

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74110 of 2023

Arising Out of PS. Case No.-376 Year-2023 Thana- GAURICHAK District- Patna

Kalendra Singh @ Kalendra Kumar Singh Son Of Late Chandra Vansh Singh
R/O Village- Jamunapur, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Rudra Deo, learned counsel for the

petitioner and Mr. Navin Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak P.S. Case No. 376 of 2023, F.I.R. dated 28.06.2023 for the offences punishable under Sections 147, 341, 323, 353, 337, 338, 427, 332 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons have attacked the police force when they came to remove the encroachment

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation in the FIR is that the petitioner along with other co-accused persons have attacked the police force when they came to remove the encroachment. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather general and omnibus allegation against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has assaulted the police personnel but fairly submits that there is no specific allegation of any assault or overt act rather general and omnibus allegation against all the accused persons including the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and there is no specific allegation of any assault or overt act, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Patna City in connection with Gaurichak P.S. Case No. 376



of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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