

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77718 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- PUPRI District- Sitamarhi

Md. Talib S/O Late Md. Taiyab, Resident of Village- Awapur, P.S.- Pupri,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-04-2024 Heard Mr. Prashant Kumar, the learned counsel for
the petitioner and Mr. Surendra Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pupri PS Case No. 11 of 2022, FIR dated
15.01.2022, registered for the offences punishable under
Sections 341, 323, 354(A), 436 and 509 read with Section 34 of
the Indian Penal Code.

3. According to prosecution case, all the FIR named
accused persons armed with knife and rod came at the house of
the informant and threatened her that if her sister does not
compromise her case, they will commit illegal act with her. It is
further that the accused persons misbehaved and assaulted the
informant and later also assaulted her grandmother. It is further



alleged that the accused persons on 13.01.2022, set the informant's house on fire and tried to kill her sister and grandmother.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegations against all the accused persons including the petitioner. He lastly submits that the informant has stated in the FIR that due to Pupri PS Case No. 122 of 2020, the present occurrence has taken place, in fact, petitioner is not an accused in Pupri PS Case No. 122 of 2020 and he has no concern at all with the aforesaid case.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that petitioner carries one criminal antecedent other than the present one, however, he fairly admits that according to the paragraph no. 3 of the bail petition, the



petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner and he is not an accused in Pupri PS Case No. 122 of 2020, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Sitamarhi, where the case is pending in connection with **Pupri PS Case No. 11 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(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 trial Court 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 trial Court 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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