

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84569 of 2023**

Arising Out of PS. Case No.-124 Year-2023 Thana- CHHATAUNI District-
East Champaran

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LALBABU RAI SON OF MADHO RAI R/O VILLAGE- BARA BARIYARPUR,
P.S.- CHHATAUNI, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Anuj Kumar, learned counsel for the

petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Chhatauni P.S. Case No. 124 of 2023 dated 03.03.2023
registered for the offence under Sections 341, 323, 324, 307,
504, 506 and 379/34 of the Indian Penal Code. Later on 302
of the Indian Penal Code was added.

The husband of the informant is alleged to have
been killed by the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that from bare perusal of the F.I.R., it



appears that there is no specific allegation of assault or any overt act against the petitioner rather there is general and omnibus allegation alleged against all the accused persons including the petitioner that they have assaulted the husband of the informant. He further submits that there is no eye witness to the alleged occurrence and on the disclosure of one Binod Rai about of the occurrence, the informant has instituted the present F.I.R. against the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned C.J.M., East Champaran, Motihari in connection with Chhatauni P.S. Case No. 124 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

brajesh/-

(Rajesh Kumar Verma, J)

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