

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83328 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- BARHAT District- Jamui

Ashok Rao Son Of Ambika Rao @ Ambika Rawat @ Amerika Rao R/O
Village- Tenghara, P.S.- Barhat, Dist.- Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Saurav Anand, learned counsel for the

petitioner and Mr.Rajesh Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barhat P.S.Case No.182 of 2023, FIR dated 19.09.2023 registered for the offences punishable under Sections 147,323,307,354(B),379,427,448,504,506,34 of IPC.

3. Allegation against the petitioner is that he alongwith co-accused Shyam Sunder Rao gave indiscriminate iron rod blow to the husband of the informant and thereafter all the other seven persons also assaulted him by lathi and Danda.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the allegation as alleged



in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 18.09.2023 but the present FIR has been instituted on 19.09.2023 without giving any explanation of delay. Further submits that from a bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioner and in second part there is specific allegation of assault is against the petitioner and co-accused person, namely, Shyam Sunder Rao that they have assaulted to the husband of the informant, although, he has received injury but the injury report of the husband of the informant suggests that only one injury was found on his nose.

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

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned J.M. 1st Class, Jamui



in connection with Barhat P.S.Case No.182 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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