

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3326 of 2024

Arising Out of PS. Case No.-356 Year-2022 Thana- KESARIA District- East Champaran

Surendra Thakur Son of Tuphani Thakur, Resident of Village- Raghunathpur,
Ward No. 8, PS- Kesariya, Dist- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Anil Kumar, the learned counsel for the

petitioner and Mr. Zainul Abedin, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kesariya PS Case No. 356 of 2022, FIR dated
18.07.2022, registered for the offences punishable under
Sections 341, 323, 324, 448, 354(B) and 307 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other co-accused persons entered into the house of the
informant with an intention to commit theft and when the
informant opposed the same, they assaulted him by means of
farsa, *iron rod* and *knife* due to which he received injury on his
head. It is further alleged that the accused persons also assaulted

the informant's son and brother causing injuries to their vital parts. It is also alleged that they assaulted the wife of the informant and outraged her modesty.

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 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 are general and omnibus allegations against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no specific allegation of assault or overt act against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below, 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 Additional Chief Judicial Magistrate-III, Motihari, East Champaran, where the case is pending in connection with **Kesariya PS Case No. 356 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 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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