

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4551 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- BALIYA District- Begusarai

Rahul Kumar S/O Anil Kumar Singh R/O Village- Rahatpur, P.S- Balia,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhusan Poddar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr.Braj Bhusan Poddar, learned counsel for
the petitioner and Mr.Narendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ballia PS Case No. 211 of 2023, FIR dated 02.08.2023, registered for the offences punishable under Sections 341, 323,504, 506, 379 and 386/34 of the Indian Penal Code.

3. Allegedly, while the informant was going to Ballia, Begusarai, in the meantime he was intercepted by all the FIR named accused persons. It is further alleged that the petitioner forcibly opened the gate of his Innova car and on the point of pistol pulled him out and started beating him. It is further alleged that the petitioner also fired. However, he did not sustain



any injury. The allegation against the co-accused is of causing a lathi blow over his back. Petitioner, who had earlier also demanded Rs. 30,00,000/- (Rupees thirty lacs only) as extortion, snatched Rs. 10,200/- (Rupees Ten thousand and two hundred only) and threatened with dire consequences.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. 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 29.07.2023 but the present FIR has been instituted on 02.08.2023 after delay of about four days without giving any explanation of delay. Further submits that it appears that co-accused person, namely, Manish Kumar has snatched Rs.10,200/- from the pocket of the informant and the allegation against the petitioner is that he fired upon the victim. Learned counsel for the petitioner submits that no such occurrence had taken place and the present FIR has been instituted after delay of four days afterthought only to falsely implicate the petitioner in the present case and apart from that co-accused person, namely, Manish Kumar has been granted privilege of anticipatory bail by a Coordinate Bench of



this Hon'ble Court vide order dated 10.01.2024 passed in Cr. Misc. No.81753 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was actually participated in the present crime in question and apart from that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the anticipatory bail petition.

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 C.J.M., Begusarai in connection with Ballia PS Case No. 211 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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