

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1680 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- CHANDI District- Nalanda

Sipi @ Sharad Pawar Son of Krishna Kant Singh, Resident of Village-
Kandhupipar, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, 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. Anuj Kumar, the learned counsel for the

petitioner and Mr. Narendra Kumar Singh, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chandi PS Case No. 81 of 2023, FIR dated
07.03.2023, registered for the offences punishable under Sections
147, 149, 341, 323, 379 and 353 of the Indian Penal Code.

3. According to prosecution case, the co-accused
persons along with thirty to forty unknown persons assaulted the
informant's side and snatched golden chain of ASI Amit Shankar,
all of whom went to Kandhupipar to enquire about Cyber Crime
Ayodhya PS Case No. 03 of 2021.

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. He further submits that upon perusal of the FIR, it appears that the allegation against the seven named persons including the petitioner and thirty to forty unknown persons is of assaulting the informant's side and snatching golden chain of ASI Amit Shankar, but there is no specific allegation of assault or overt act attributed against the petitioner. He lastly submits that although the informant's side has received injury, but the injury is found to be simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, however, he fairly admits that 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 assault or overt act attributed against the petitioner and the injury received by the informant's side is found to be simple in nature, 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 Additional Chief Judicial Magistrate, Hilsa, where the case is pending in connection with **Chandi PS Case No. 81 of 2023**, 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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