

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6819 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- PUSA District- Samastipur

Balwant Kumar @ Balwant Ray S/O Dinesh Ray, Village- Srirampur, PS.
Pusa, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Rambabu Yadav, the learned counsel for

the petitioner and Mr. Nagendra Prasad, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Pusa PS Case No. 16 of 2023, FIR dated
13.02.2023, registered for the offences punishable under Sections
323, 341, 324, 504, 506 and 379 read with Section 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along
with co-accused persons snatched Rs. 2000/- (Rupees two
thousand) from informant and upon his objection they assaulted
him with fists and slaps. It is further alleged that co-accused
persons also assaulted the informant with the butt of pistol and
also threatened him.

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 is general and omnibus allegations against all the accused persons including the petitioner. He further submits that similarly situated co-accused persons namely, Shiva Kumar and others have been granted bail by a co-ordinate Bench of this Court vide order dated 19.10.2023 passed in Cr. Misc. No. 67466 of 2023.

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 similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, 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 Session Judge, Samastipur, where the case is pending in connection with **Pusa PS Case No. 16 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 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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