

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7216 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- HATHAURI District- Samastipur

Moti Prasad Singh Son of Late Raj Kumar Singh Resident of Village- Ward
No.- 10, Ghiwahi, Police Station- Hathauri (Shivajinagar O.P.), District-
Samastipur Petitioner/s

Versus

The State of Bihar Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Pramod, learned counsel for the

petitioner and Mr. Rana Randhir Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hathauri (Shivajinagar O.P.) P.S. Case No. 153 of 2023, F.I.R. dated 16.09.2023 for the offences punishable under Sections 147, 149, 341, 323, 353, 332, 337, 224, 225, 427, 379 and 504 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner started pelting stones and assaulted the police personnel by means of lathi-danda.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation in the F.I.R when the police reached to arrest the petitioner in connection with Hathauri (Shivajinagar O.P.) P.S. Case No. 115 of 2023 then several persons have attacked on the police team



with lathi and danda. He further submits that it appears from the F.I.R that the petitioner and the other accused persons have assaulted the police team. He further submits that the co-accused, namely, Amar Kumar @ Amar Kumar Mandal has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 1230 of 2023 and other co-accused, namely, Hema Devi and Kamal Kishor Singh have been granted bail by a Co-ordinate Bench of this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 1816 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that there is no specific allegation of assault attributed against the petitioner, let the petitioner, above named, in the event of 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 the learned Judicial Magistrate 1st Class, Rosera, District-Samastipur in connection with Hathauri (Shivajinagar O.P.) P.S.



Case No. 153 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 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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