

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6582 of 2024

Arising Out of PS. Case No.-65 Year-2022 Thana- MAKER District- Saran

Sanjay Kumar Rai S/O Awadhesh Rai R/O Village- Mahesh Chapra, P.S-
Maker, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The Petitioner apprehends his arrest, in connection with Maker P.S. Case No. 65 of 2022 dated 01.11.2023, registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 427, 379, 354, 307/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has been added.

3. The prosecution case as emerges from the FIR is that the accused persons including the Petitioner came to the house of the informant and one Arun Kumar Giri assaulted the Informant by means of farsa. An allegation of threatening and killing is also there.

4. Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation of the informant is not corroborated by medical evidence because as per the medical evidence, no injury was found on the body of the person. He further submits that all the co-accused persons have been enlarged either on anticipatory bail or regular bail and the present Petitioner is the only one who is seeking anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It is also stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. IVth Additional Sessions Judge, Saran, in connection Maker P.S. Case No. 65 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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