

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5684 of 2025

Arising Out of PS. Case No.-851 Year-2021 Thana- DANAPUR District- Patna

Kariban Rai @ Mithilesh Kumar S/o Late Jamun Rai @ Jamuna Rai, Resident
of Mohalla- Nasriganj, P.S- Danapur, Distt- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-02-2025 Heard Mr. Sunil Kumar, the learned counsel for the
petitioner and Mr. Yogendra Kumar, the learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Danapur PS Case No. 851 of 2021, FIR dated
26.11.2021, registered for the offences punishable under Sections
341, 323, 324, 504, 506 and 307 of the Indian Penal Code.

3. According to the prosecution case, the petitioner ate
from the food cart of informant and refused to pay and when
informant demanded money, the petitioner hit the informant with
ladle kept in the cart and also sabotaged food cart of informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been implicated
in the present case and the allegation levelled in the FIR is false
and fabricated and the petitioner has not committed any offence as



alleged in the FIR. He further submits that as per allegation in the FIR, petitioner has assaulted to the informant by means of ladle and informant has received injury. He further submits that although informant has received the injury, but injury report of the informant as well as the supervision report of the police suggests that injury is simple in nature. He lastly submits that there was no intention to kill the informant and there was no repetition of blow upon the informant as well.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is no repetition of blow upon the informant and injury report of informant suggests that injury is simple in nature, let the petitioner, above-named, in the event of his arrest or surrender before the learned 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-I, Danapur, where the case is pending in connection with **Danapur PS Case No. 851 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. /



Section 482(2) of the BNSS, 2023 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned 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 learned 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 learned 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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