

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8684 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- DURAULI District- Siwan

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Dharmendra Rajbhar Shambhu Rajbhar @ Rambhu Rajbhar Resident of -
Chakri,P.S- Darauli, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Anil Chandra, learned counsel for the

petitioner and Mrs. Madhuri Lata, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 346 of 2024, F.I.R. dated 30.10.2024 for the offences punishable under Sections 191(3), 190, 103(2) and 61(2) (a) of Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused persons including this petitioner armed with bricks and lathi have brutally assaulted the father of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the F.I.R but it appears from the F.I.R that there is no specific



allegation of assault attributed against the petitioner rather the specific allegation is attributed against the co-accused persons, namely, Binod Rajbhar, Sanni Deoal Rajbhar, Abhishek Rajbhar and Rajiya and at best the petitioner is the member of the mob. He further submits that the occurrence took place on 28.10.2024 but the present F.I.R has been lodged on 30.10.2024 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that on the date of occurrence the petitioner was in Patna for his appointment in the Passport Office for issuance of his Passport. (Annexure- P/2)

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of assault against the petitioner rather there is general and omnibus allegation 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 Chief Judicial Magistrate, Siwan in connection with Darauli P.S. Case No. 346 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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