

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15242 of 2025

Arising Out of PS. Case No.-907 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Amit Kumar S/o Gaya Lal Ray R/o vill- Birra, PS- Kajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :Ms. Ankita Kumari, Advocate

For the Opposite Party/s :Mr. Md. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2025 Heard Ms. Ankita Kumari, learned counsel for the pe-
titioner and Mr. Md. Mohammad Sufyan, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Sadar (Kajipur) P.S. Case No. 907 of 2024, F.I.R. dated 28.11.2024 for the offences punishable under Sections 191(2), 191(3), 190, 223, 126(2), 115(2), 118(1), 117(2), 132, 109, 351(2), 351(3), 352, 122(2) of the Bhartiya Nyay Sanhita, 2023 and 27 of Arms Act.

3. According to the prosecution case, the police party got secret information that there is going to be a dispute between the petitioner, who is a winning candidate for the election of PACS Chiarman and Ram Paras Rai, defeated candi-



date. On such information, when the police party went there to pacify the matter, accused persons tried to attack them due to which police personnel and 10 persons of both sides sustained injuries.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case and the allegation as alleged in the F.I.R is false and fabricated. He further submits that although the petitioner is named in the F.I.R but there is no specific allegation of assault or overt act attributed against the petitioner rather there is specific allegation against co-accused namely Chandeshwar Rai who attacked the police party and also opened fire in the air.

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 but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, and the fact that there is no specific allegation of any 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 Principal District & Sessions Judge, Vaishali in connection with Hajipur Sadar (Kajipur) P.S. Case No. 907 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



bond 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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