

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19941 of 2025

Arising Out of PS. Case No.-239 Year-2020 Thana- KESARIA District- East Champaran

Suresh Prasad S/O Ramugre Prasad @ Ram Ugah Prasad Residet Of Village-
Khijipura, P.O and P.S- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Pravin Kumar, learned counsel for the

petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 239 of 2020, F.I.R. dated 13.06.2020 for the offences punishable under Sections 147, 341, 323, 324, 379, 307, 447, 354, 504, 506 of the Indian Penal code.

3. As per the First Information Report, the informant alleged on 08.06.2020, the petitioner along with other accused persons came at her house and started abusing and tried to outrage her modesty. When the family members protested, the petitioners along with other accused persons assaulted them and thereafter looted cash and ornaments.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The present case is the counter blast of Kesariya P.S. Case No.234 of 2020 filed by co-accused, namely, Raja Kumar against the informant and her family members. Although the petitioner is named in the FIR but from bare perusal of the FIR it transpires that there is no specific allegation of assault or overt act attributed against the petitioner rather there is allegation that the petitioner snatched golden chain from one of the family member of the informant. He further submits that there is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 08.06.2020 and the First Information Report has been lodged on 13.06.2020 i.e. delay of five days without giving any reason for delay. He submits that similarly situated co-accused persons, namely, Sunil Kumar, Rudal Kumar@ Ram Kumar, Bhagnarayan Prasad, Krishna Prasad, Vicky Kumar and Raju Kumar@ Raju Kumar have been granted the privilege of anticipatory bail vide order dated 23.10.2024 in Cr.Misc No. 72298 of 2024 by co-ordinate bench of this Court.

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



6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and there is case and counter case and there is no specific allegation of assault or overt act against the petitioner and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate bench of this Court, 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, Sadar Motihari, East Champaran in connection with Kesariya P.S. Case No. 239 of 2020, 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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