

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34091 of 2025

Arising Out of PS. Case No.-45 Year-2023 Thana- KAKO District- Jehanabad

Rohit Kumar S/o Sakaldeo Yadav R/o Vill.- Auliyachak, P.S.- Kako, Distt.-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Renuka Ratnakar (APP 125)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kako P.S. Case No. 45 of 2023 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted the informant by means of iron rod upon his head as a result of which his helmet was broken. It is alleged that petitioner is also said to have snatched Sonata watch from informant.

4. Learned counsel for the petitioner submits that though direct allegation of assaulting the informant by means of iron rod is attributed against the petitioner but he has submitted



through paragraph 10 of the instant bail petition that the informant has not received any injury on his head. On that account, no case for the offence under Section 307 of the IPC is made out against the petitioner. He further submits that the allegation of snatching Sonata watch from the informant is nothing but ornamental in nature with a view to harass the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that from the perusal of FIR, it appears that the occurrence took place on 03.01.2023, Fardbeyan was recorded on 09.01.2023 and FIR was registered on 12.02.2023. He further submits that each step taken by prosecution side indicates delay without any plausible explanation which questions the authenticity of the prosecution story. Petitioner bears no criminal antecedent. He further submits that petitioner shall submit an undertaking before the learned trial court that informant has not sustained any injury on his head as stated in paragraph 10 of the bail petition. Learned counsel orally submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, in the light of the fact asserted in paragraph 10 of the instant bail petition that no injury is caused on head of the informant by the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jehanabad in connection with Kako P.S. Case No. 45 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that petitioner shall submit an undertaking before the learned trial court that informant has not sustained any injury on his head, as stated in paragraph 10 of the bail petition and if the said assertion is found false, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

9. It is also made clear that if the Investigating Officer of the case files an application before the learned trial court



bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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