

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45118 of 2025

Arising Out of PS. Case No.-328 Year-2024 Thana- PATEPUR District- Vaishali

Suraj Kumar S/o Harendra Ram R/o village - Sahajpur, P. S.- Patepur, District –
Vaishali Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-08-2025 Heard Mr. Hemant Kumar, learned counsel for the
petitioner and Mr. Sanjay Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Patepur P.S. Case No. 328 of 2024, F.I.R. dated 29.10.2024 for the offences punishable under Sections 329(3), 126, 352, 75, 351(2), 79 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused persons including this petitioner have threatened the public and fired in the air near Mohan Chowk. It is further alleged that when the informant's daughter along with her friends was going through Mohan Chowk then this petitioner said obscene things to the informant's daughter and her friends which caused mental stress to them.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. From bare perusal of the FIR it appears that first incident took place on 10.08.2024 but the informant did not lodge any FIR at that time and the second incident took place on 27.10.2024 but the informant lodged the present FIR on 29.10.2024 which suggest that the present FIR instituted after thought only to falsely implicate the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that there is direct and specific allegation against the petitioner in the FIR.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the present FIR instituted after delay of some days, let the petitioner, above named, in the event of his 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, Hajipur, Vaishali in connection with Patepur P.S. Case No. 328 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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