

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48750 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- BARHARA KOTHI District- Purnia

Janardan Tatma Son of Arun Tatma Resident of Ward No.- 09, Barahara Kothi, P.S.- Barahara Kothi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the State : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2025 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioner and Mrs. Gulnar Begum, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Barahara Kothi P.S. Case No. 213 of 2024, F.I.R. dated 09.09.2024 registered for the offences punishable under Sections 126, 115(2), 109, 351(2), 352, 3(5) of B.N.S. Act.

3. Allegation against the petitioner is that he and other co-accused persons have assaulted to the informant and his family members.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. Although, the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against co-accused person, namely,



Lalho Yadav @ Mithilesh Yadav who assaulted to the informant and there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that similarly situated co-accused co-accused person namely bablu Yadav against whom similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 02.04.2025 passed in Cr. Misc. No. 18591 of 2025.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of assault is against co-accused Lalho Yadav @ Mithilesh Yadav as well as similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Barahara Kothi P.S. Case No. 213 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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