

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75379 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- RAJEPUR District- East Champaran

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RUPESH KUMAR S/O- SANJAY BHAGAT @ SANJAY KUMAR R/o
Village- Koirawan Balakothi Ps- Rajepur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr.Sangeet Deokuliar, learned counsel for the

petitioner and Mr.Kalyan Shankar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rajepur P.S.Case No.85 of 2024/G.R.No.2172
of 2024,FIR dated 27.04.2024 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 379,
324, 504, 506, 447 of IPC.

3. Allegation against the petitioner is that he
alongwith all the accused persons armed with deadly came at
the door of the informant and in furtherance of their common
intention they assaulted him.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. Although the petitioner is named



in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is specific allegation of assault attributed against co-accused person, namely, Chandeshwar Mahto, Ranjan Kumar and others and allegation against the petitioner is that he snatched the golden chain of the informant.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he snatched the golden chain of the informant.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and the allegation against the petitioner it appears that the same is ornamental in nature, 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 learned Chief Judicial Magistrate, East Champaran in connection with Rajepur P.S.Case No.85 of 2024/G.R.No.2172 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:-

(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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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