

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80821 of 2024

Arising Out of PS. Case No.-477 Year-2024 Thana- GARKHA District- Saran

Ashwani Kumar S/o- Shambhu Sharan Mohalla- Ward No- 1 Garkha P.S-
Garkha District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2025 Heard Mr. Akhileshwar Pandey, learned counsel for
the petitioner and Mr. Nirmal Kumar Sinha, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Garkha P.S. Case No. 477 of 2024, F.I.R. dated
01.08.2024 for the offences punishable under Sections 109(3)(5)
of B.N.S., 2023 and 27 of the Arms Act.

3. According to prosecution case that when the
informant went for morning walk, a loud sound happened and
the informant fell down after hearing the sound and after that he
saw a person on motorcycle and another having one katta are
running from the place of occurrence.

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



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that on the basis of suspicion, the name of the petitioner has been implicated in the present case. Apart from that nothing has come during the investigation, which suggests the involvement of the petitioner in the present occurrence and no witness has taken the name of the petitioner. Apart from that the informant has not taken the name of the petitioner in the first instance.

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

6. Considering the aforesaid facts that the petitioner has clean antecedent and no cogent material has come during the course of investigation, which suggests the involvement of the petitioner in the present occurrence, 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 Additional Chief Judicial Magistrate-IV-Saran in connection with Garkha P.S. Case No. 477 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 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 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.

Jyoti Kumari/-

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(Rajesh Kumar Verma, J.)

