

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80803 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- PURNAHYA District- Sheohar

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1. Rambabu Singh S/o- Late Ambika Singh Village-Chiraiya, P.S-Purnahiya, District-Sheohar
 2. Shailendra Kumar Singh S/o- Sri Bindhyachal Singh Village- Chiraiya Ps-Purnahiya Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-04-2025 After some arguments, learned counsel for the petitioner seeks permission to withdraw this application with respect to petitioner no.2, namely, Shailendra Kumar Singh with a liberty to the petitioner to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. Accordingly, the bail application with respect to petitioner no.2, namely, Shailendra Kumar Singh stands dismissed as withdrawn with the liberty that the petitioner surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit



in accordance with law and without being prejudiced by any observation in the present order.

4. Heard Mr. Sunil Prasad Singh, learned counsel for the petitioner and Mr. Anant Kumar 1, learned Additional Public Prosecutor for the State.

5. The petitioner is apprehending his arrest in connection with Purnahiya P.S. Case No. 85 of 2024, F.I.R. dated 21.08.2024 for the offences punishable under Sections 103(1), 3(5) of the Bhartiya Nyay Sanhita, 2023.

6. As per the First Information Report, the informant alleged that the petitioner along with other co-accused persons assaulted the informant and his father due to which his father sustained injury and later died.

7. 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 specific allegation of assault is against the co-accused namely Shailendra Kumar Singh (petitioner no.2) and Varun Kumar Singh. There is no specific overt act against petitioner instead petitioner is the order giver in the present occurrence.

8. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent, 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 S.D.J.M. Sheohar in connection with Purnahiya P.S. Case No. 85 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 bond 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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