

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88760 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- BAUNSI District- Banka

Rajiv Kumar Son of Hari Kishore Mandal Resident of Gali No. 2, Thana Colony Bounsi, P.S. - Bounsi, District - Banka (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Acharya, Advocate
For the State : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-02-2025 Heard Mr. Jitendra Acharya, learned counsel for the petitioner and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bounsi P.S. Case No. 305 of 2024, F.I.R. dated 07.10.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 74, 352, 351, 3(5) of the BNS.

3. According to prosecution case, petitioner along with other co-accused persons is said to have assaulted to the informant and her family members. It is further alleged that they also tried to outrage the modesty of the informant and her daughter.

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 FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the present case is a counter blast of the Bousin P.S Case No. 361 of 2023 filed by the father of the petitioner against the informant and her family members. He further submits that from a bare perusal of the FIR it appears that the informant is maternal aunty of the petitioner and due to previous dispute as well as some land dispute the petitioner has falsely been implicated in the present case. He further submits that there is no specific allegation of any assault or overt act is attributed against the petitioner. He further submits that co-accused person, namely, Hari Kishore Mandal and others have been granted the privilege of anticipatory bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 88727 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent and others similarly situated other co-accused persons have already been granted the privilege of anticipatory bail by this Court, 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 Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 305 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 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.

(Rajesh Kumar Verma, J)

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