

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88703 of 2024

Arising Out of PS. Case No.-102 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

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Anil Thakur S/o Chandrika Thakur Resident of Village- Chiutaha, P.S.-
Baikunthpur, District- Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Surendra Prasad Gupta, learned counsel

for the petitioner and Mr. Raj Kishor Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baikunthpur P.S. Case No. 102 of 2019, F.I.R. dated 19.05.2019 for the offences punishable under Sections 341, 323, 324, 307, 379, 354(B)/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with his two brothers intercepted the informant who was with her sister-in-law and daughter and attacked them by means of knife and lathi. It is further alleged that the accused persons have snatched gold chain and Rs. 5,000/- from them.

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 it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner. He further submits that the co-accused, namely, Sona Thakur @ Sona Kumar Thakur has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 24.01.2020 passed in Cr. Misc. No. 72782 of 2019. He further submits that apart from that the injury report of the injured person suggest that the injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and the co-accused person has been granted anticipatory bail, 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 Judicial Magistrate 1st Class,



Gopalganj in connection with Baikunthpur P.S. Case No. 102 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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