

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78382 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- BIHTA District- Patna

RAKESH KUMAR Son of Bhagwan Das Resident of Village - Tara Nagar,
P.S.- Bihta, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with **Bihta P. S. case No. 232 of 2019** instituted for the offence under Section(s) 147,148,149, 323, 307, 504 and 506 of the Indian Penal Code.

It is submitted by the petitioner's counsel that the F. I. R. is false, fabricated and concocted one. He has further submitted that the informant and petitioner are co-villager and due to old enmity this false case has been lodged against the petitioner. He has further submitted that when the informant and his family members came at the house of petitioner, and petitioner objected, then they assaulted him and his mother, for which, Bihta P.S. Case no. 218 of 2019 was registered U/ss 147,149,



341, 323, 354, 504 and 506 of the IPC against the informant of the case and others. He has further submitted that all sections are bailable, except Sec. 307 of the IPC which is super addition and allegation against the petitioner is general and omnibus. So the petitioner may be given the privilege of anticipatory bail. Annexure-3, at page 25 of the bail petition, is injury report of the petitioner's father which shows that the father of the petitioner has sustained grievous injuries. The other co-accused persons of the instant case have also been allowed the privilege of anticipatory bail in Cr. Misc. no. 62676 of 2019.

The learned APP for the State opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **A.C.J.M. 1st Danapur**, in connection with **Bihta P. S. case No. 232 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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