

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69189 of 2019**

Arising Out of PS. Case No.-8 Year-2019 Thana- EKMA District- Saran
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1. RAKESH KUMAR SINGH @ RAKESH SINGH @ TUNTUN SINGH Son of Tarkeshwar Singh Resident of Village - Bhueli, P.S.- Ekma, District - Chapra
2. Ronit Kumar Singh @ Bablu Singh Son of Tarkeshwar Singh Resident of Village - Bhueli, P.S.- Ekma, District - Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party
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Appearance :

For the Petitioner/s : Mr. Sudama Kumar, Advocate.

For the Opposite Party/s: Mr. Atul Chandra, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-03-2020

Learned counsel for the petitioners states that the petitioner no. 1 has been arrested and as such the anticipatory bail petition has become infructuous and seeks permission to withdraw the same.

2. Permission is accorded. The anticipatory bail petition of petitioner no. 1 stands dismissed as withdrawn.

3. The petitioner no. 2 apprehends his arrest for the offences alleged under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Ekma P.S. Case No. 08 of 2019.

4. It is submitted that the petitioner no. 2 has been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The petitioner is alleged to have fired upon Shailendra Singh which missed and thereafter assaulted Shailendra with the butt of *katta*. However as evident from the order of the learned Sessions Judge, Saran,



there is no injury report of Shailendra Singh on the case diary or record. The petitioner no. 2 claims clean antecedents.

5. Be that as it may, in the event of the petitioner no. 2's arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Chapra in connection with Ekma P.S. Case No. 08 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner no. 2.

(ii) That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 2 shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner no. 2 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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