

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19452 of 2020**

Arising Out of PS. Case No.-287 Year-2019 Thana- BARAUNI District- Begusarai

SUSHIL KUMAR S/o Rajendra Roy @ Rajo Roy Resident of Baro, Rampur
Tola, P.S.- Fulwaria, Distt- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinod Gautam, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

11 25-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Barauni (Garhara) P.S. Case No. 287 of 2019 registered for the offences punishable under Sections 147, 148, 323, 307, 379, 504 & 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the first information report while the informant was closing his Sand stone shop the petitioner along with co-accused came there and assaulted him with pistol butt and fist and tried to take him away with four wheeler. This petitioner started to pull the informant by putting his 'Gamcha' around his neck and thereafter they fled away.

Learned counsel for the petitioner submits that he was



trying to kill the injured Chandan Kumar Choudhary by putting his Gamcha around his neck but the same is not getting substantiated from the injury report. Learned counsel submits that petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case appearing from the injury report now received and kept at Flag 'R', there being no injury on the neck, the allegation against the petitioner is that he was trying to kill the injured Chandan Kumar Choudhary by putting his Gamcha around his neck but the same is not getting substantiated from the injury report, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Barauni (Garhara) P.S. Case No. 287 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when



required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

