

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29964 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- OBRA District- Aurangabad

Rohit Kumar Son Of Shivanath Paswan R/O- Village- Bharub Tola P.S.- Obra
Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,323,504,307,506,34 of IPC.

According to prosecution case, several accused persons including the petitioner attacked the informant Birju Yadav and Vikash Kumar and started pelting stones on them where Deenbandhu Paswan, Arun Paswan, Umesh Paswan, Raj Bihari Paswan, Dinesh Paswan and Vinay Paswan opened fire



with the pistol and Deenbandhu Paswan fired on the informant which hits his leg and he fell down on the ground.

Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that there is specific allegation against co-accused, namely, Deenbandhu Paswan who fired upon the informant and there is general and omnibus allegation against the petitioner and co-accused, namely, Arun Kumar and Ors have been granted privilege of anticipatory bail vide order dated 01.11.2022 passed in Cr.Misc.No.26365 of 2022 by this Court and the case of the petitioner is similar footing.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his 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 learned court below where the case is pending in connection with Obra



P.S. Case No. 301 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 have concealed his criminal antecedents, 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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