

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46823 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Saurabh Singh @ Saurabh Kumar Son Of Sabhay Kumar Singh @ Moti
Singh R/O Village- Bhataha Ward No. 12, P.S.- Shyam Pur, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 341, 323,
354(B), 354, 338, 307, 504, 506/34 of the Indian Penal Code
and Section 27 of the Arms Act.

According to prosecution case, in brief, is that the
informant Sita Devi has filed a petition stating therein that on
31.03.2021 she was sitting at her door with her family members,
in the meantime accused Chhotu Pandey and Vishal Singh came
there and on account of previous litigation they started abusing

and grabbed hair of the informant and dashed on the ground due to which her Saree untied and she became unveiled. Hearing noise, the family members of the informant and nearby persons came there to save the informant, in the meantime all the accused persons, as named in the F.I.R. started throwing bricks and stones saying name of Baba group and accused Chhotu Pandey opened firing from fire-arm. Hearing sound of firing the persons assembled there started fleeing away and accused Chhotu Pandey and Vishal Singh snatched gold chain from the neck of the informant and accused persons further threatened the informant of dire consequences.

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 there is specific allegation of firing against the co-accused namely, Chhotu Pandey and there is general and omnibus allegation against all the accused person including this petitioner. He further submits that similarly situated, co-accused, namely, Sonu Srivastava @ Sanjeev Ranjan Kumar, Golu Singh @ Aman Kumar, Chintu Tiwari @ Ritik Tiwari, Bikki Srivastava @ Ravi Ranjan Kumar, Rajeev Ranjan Kumar @ Raju Srivastava, Mikki Srivastava @ Abhishek Kumar and Ankit Raj @ Chotu Pandey

have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Misc. No. 55899 of 2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, 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 learned Court below where the case is pending in connection with Turkauliya (Banjaria) P.S. Case No. 271 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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