

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72375 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

NEERAJ KUMAR Son of Satyendra Yadav Resident of Village- Horidih,
Police Station - Neemchak Bathani in the district of Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Naresh Ray, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Neemchak Bathani P.S. Case No. 15 of 2020 registered for the offences punishable under Sections 147, 148, 149, 447, 323, 307, 354A, 506, 504 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 I.P.C. was added. He is in custody since 08.08.2021 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 09.02.2020 at about 8:45 A.M. while she was cooking food in her house, in the meantime, accused persons named in the F.I.R.



including this petitioner arrived there and started abusing her and tried to outrage her modesty. On hulla, when all the family members reached, accused persons also assaulted to them by lathi, danda, rod etc. The informant further alleged that the accused persons also torn her blouse and sari and threatened her to kill.

Learned counsel for the petitioner submits that after death of Rishi Kumar the uncle of the deceased has given Fardbeyan vide Annexure '2'. Learned counsel has taken this court through the Fardbeyan of Binod Bihari (Annexure '2') wherein the specific allegation of causing overt act has been made against co-accused Lalan Kumar Sahi who had assaulted by Khanti on the head of the deceased. Another allegation of assault is against Vijay Kumar and Bipin Kumar @ and Udal by the butt of the rifle. It is submitted that so far as this petitioner is concerned, no overt act has been alleged against him. It is further pointed out that co-accused Lalan Kumar Sahi, Satyendra Yadav and Lalu Yadav @ Lalu Prasad have been granted privilege of regular bail as well as anticipatory bail in Cr. Misc. No. 16602/2021 and Cr. Misc. No. 21600/2021.

Learned A.P.P. for the State does not dispute that there is no specific allegation of assault for commission of overt act is against this petitioner.

Having regard to the materials available on the record, there being no specific allegation against the petitioner of causing assault and some of the co-accused have been granted privilege of



bail and anticipatory bail, therefore this court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Neemchak Bathani P.S. Case No. 15 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.

