

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12278 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- Begusarai Muffasil District- Begusarai

ANKUSH KUMAR @ AAYUSH KUMAR Son of Saroj Kumar @ Ashok
Singh Resident of Village- Nayagaown (Wrongly made accused in the FIR as
Balahpur), P.S.- Nayagaown, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.10.2022 in connection with Begusarai Muffasil P.S. Case No.
145 of 2022, F.I.R. dated 19.03.2022 for the offences punishable
under Sections 364/34 of the Indian Penal Code and Section 27
of the Arms Act.

According to prosecution case, petitioner and other co-
accused persons forcibly abducted and dragging the informant
into four wheeler in which seven persons were seated armed
with pistols, lathi and rods who started firing upon the
prosecution party.

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 it appears from the F.I.R. that F.I.R. is in two parts. In first part, there is allegation against the petitioner that he abused and threatened to kill the informant and in the second part in the F.I.R., the allegation against the petitioner is that he and other co-accused persons abducted the informant and fired upon the informant. Learned counsel for the petitioner further submits that the allegation against the petitioner in the second part is general and omnibus and the similar allegation was against co-accused Bittu Kumar that he also accompanied with the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 31.01.2023 in Cr. Misc. No. 41571 of 2022 and another co-accused Manshu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 31.01.2023 in Cr. Misc. No. 43910 of 2022 and another co-accused namely, Bhola Kumar has been granted bail by this Court vide order dated 27.02.2016 passed in Cr. Misc. No. 57503 of 2022 respectively. He further submits that the police after investigation submitted charge-sheet against the petitioner and the petitioner is in custody since 10.10.2022.

Learned APP for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Begusarai Muffasil P.S. Case No. 145 of 2022, subject to 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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