

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12795 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Ankit Kumar @ Ankit Kumar Pathak S/O Murari Pathak R/O Village- Hemra
Ward No- 20, P.S- Town (Ratanpur O.P), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
06.10.2022 in connection with Begusarai Town (Ratanpur O.P.)
P.S. Case No. 313 of 2022, F.I.R. dated 28.05.2022 for the
offences punishable under Sections 341, 387, 307, 504, 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other accused persons have demanded Rs. 4 lakh as
extortion from the informant, however, when the same was not
paid then all the accused persons and some 3-4 unknown



persons came there and started indiscriminate firing with an intention to kill the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of firing is general and omnibus allegation and there is no specific allegation against the petitioner. He further submits that it also appears from the F.I.R. itself that none of the persons have received any injury. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Saurav Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.04.2023 passed in Cr. Misc. No. 787 of 2023 and another co-accused, namely, Mukund Kumar @ Yashwant Kumar and Raj Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 15.12.2022 passed in Cr. Misc. No. 48180 of 2022. The petitioner is in custody since 06.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one but fairly submits that the petitioner is on bail in



both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 313 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)

Vanisha/-

U		T	
---	--	---	--

