

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14672 of 2023

Arising Out of PS. Case No.-776 Year-2022 Thana- GAURICHAK District- Patna

RAJU KUMAR SINGH S/O BINAY KUMAR SINGH R/v- Kansari, P.S.-
Gaurichak, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar, Advocate
For the State	:	Mr.Shyam Kumar Singh, APP
For the Informant	:	Ms.Archana Sinha, Advocate
		Ms.Sanju sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Gaurichak P.S. Case No. 776/2022 registered for the offences punishable under Sections 147, 148, 149, 307, 504, 506, 427 of the Indian Penal Code and 27 of the Arms Act. He has one criminal antecedent which is said to have been lodged by this very informant as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution case, altogether 12 persons assembled and surrounded the house of the informant. It is alleged that they opened fire and about 100 rounds were fired by the 12 named accused persons and about one dozen unnamed accused persons.



So far as this petitioner is concerned, he has not been seen at the alleged place of occurrence.

Learned counsel submits that the name of the petitioner has been implicated in the later part of the F.I.R. by saying that this petitioner and five others had been conspiring to cause damage to the family of the informant and they had held several secret meetings in the house of this petitioner. Learned counsel submits that in the alleged occurrence not a single injury has been reported, moreover there is no allegation of firing against the petitioner.

Learned counsel for the informant has opposed the prayer for anticipatory bail. By filing a counter affidavit the informant has placed on record several photographs showing the mark of firing upon the house and vehicle of the informant.

Learned counsel submits that the accused persons named in the F.I.R. opened fire, though this petitioner is not named as one of them, but he was earlier indulged in threatening to kill the informant and his friend during a mobile conversation.

Learned A.P.P. for the State has also opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case



wherein this court has noticed that so far as this petitioner is concerned, he has been named among six persons against whom the allegation is that they were conspiring against the informant and secret meetings were held in the house of this petitioner, however the petitioner was not present at the place of occurrence and there is no allegation of firing against him, therefore, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Patna City (Patna) in connection with Gaurichak P.S. Case No. 776/2022, subject to the conditions as laid down under Section 438 (2) of the 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.

Further condition that within two weeks from today



the petitioner shall appear before the Investigating officer in the police station and cooperate in course of investigation. He will keep on putting his appearance in the police station every two months during the investigation and in case he is required to face the trial, he will appear before the learned trial court on each and every date fixed in the mater and two consecutive defaults in putting appearance shall lead to cancellation of his bail bond.

(Rajeev Ranjan Prasad, J)

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