

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15752 of 2023

Arising Out of PS. Case No.-463 Year-2022 Thana- BARHARIA District- Siwan

KAPOOR GOND @ RAJ KAPOOR KUMAR S/O PRABHUNATH GOND
@ PRABHUNATH SAH @ PRABHU GOND R/v- Ray ke Bangara, Pandey
Toli (Teliya Bari), District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Barharia P.S. Case No. 463 of 2022 for the offence registered under Sections 341, 323, 324, 307, 302, 504 and 506/34 of the Indian Penal Code lodged on 27.10.2022 by the informant, Saurav Kumar.

As per the written report of the informant, Saurabh Kumar, he along with his friends went for morning walk towards south of his house. During walking, the informant saw that the petitioner along with other co-accused persons were drinking liquor and further they surrounded the informant and his friend and started abusing. When the informant protested, they became furious and assaulted the informant's friend Abhijit



Bhardwaj with intention to kill him. It is further alleged that co-accused Raju Singh @ Pauch inflicted knife blow on the chest of Abhijit Bhardwaj while co-accused persons caught the hand of the Abhijit Bhardwaj.

When the informant rushed to the rescue of Abhijit Bhardwaj, he was also inflicted knife blow. It is further alleged that all the accused-persons threatened the informant and others of dire consequences. The informant and Abhijit Bhardwaj were brought to Sadar Hospital, Gopalganj, but due to critical condition, Abhijit Bhardwaj was referred to Gorakhpur, but on the way, Abhijit Bhardwaj succumbed to his injuries.

Learned counsel for the petitioner submits that the main allegation is against Raju Singh of giving knife blow which hit the chest of the deceased causing his death. So far as this petitioner is concerned, omnibus allegation of assault is there. Last submission is that he do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail stating that he was also part of the occurrence.

Considering the fact that the petitioner do not have criminal antecedent, the main allegation is against Raju Singh of giving knife blow which hit the chest of Abhijit Bhardwaj



resulting into his death and omnibus allegation is against the petitioner, this Court is inclined to grant him privilege of bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 463 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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