

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17233 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- TARARI District- Bhojpur

1. RAKESH KUMAR Son of Late Lalan Singh R/o Village - Barasi, P.S.- Tarari, District - Bhojpur.
2. Sri Ram Singh Son of Sheo Bachan Singh R/o Village - Barasi, P.S.- Tarari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 It has been submitted by learned counsel for the petitioners that the petitioner no.2, Sri Ram Singh has been arrested during the pendency of the petition and as such the petition against him has become infructuous.

Heard the parties.

The petitioner no. 1 is apprehending his arrest in connection with Tarari P.S. Case No 228 of 2022 for the offence under Sections 341, 323, 307, 504, 506 and 34 of the I.P.C. lodged on 25.10.2022 by the informant Ajeet Kumar Singh

The prosecution story, in brief, is that, on 24.10.2022, he was going towards the house when Vijay Kumar



accompanied by two other persons who could not be identified came and started hitting him with fat maize. He was saved by the villagers. But then Vijay Kumar took out the pistol from his waist and fired on him but he ran away towards his home and informed the police station by phone. As Tarari police came, tVijay Kumar ran away.

Once the police left, again at 10.30 pm, Vijay Kumar came at his door with eight-nine men on four motorcycles with a pistol and opened fire. He could identify Vijay Kumar, Rakesh Kumar Shriram Singh, Rampravesh Singh, Vikas Kumar, Mukesh Singh, Kundan Singh, and others. When the police party came, they found bullet marks on the door. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that there is omnibus allegation against both of them and further irrespective of the outcome of the present case and without accepting the allegation, he would like to give Rs. 10,000/- to the informant.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid fact, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner no. 1 Rakesh Kumar be released on



bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st class, Bhojpur at Ara, in connection with Tarari P.S. Case No 228 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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