

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23050 of 2023

Arising Out of PS. Case No.-248 Year-2019 Thana- DIGHWARA District- Saran

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GOBINDA RAI S/O VIJAY RAI Resident of Village- Shankar Pur, P.S.-
Shahpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr.Ajit Kumar Singh, learned counsel for the

petitioner and Mr.Sanjay Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dighwara P.S.Case No.248 of 2019, FIR
dated 20.08.2019 registered for the offences punishable under
Sections 302,34 of IPC read with Section 27 of Arms Act.

3. The prosecution case, in short, is that the
informant alleges that on 19.08.2019 his son alongwith his
villager Congress Mahto around 11.00 A.M. proceeded to
work as labourer on boat. Around 3.00 P.M. they alongwith
other 15 labourers started their boat from Pahleja for Koilawar
and around 5.00 P.M. when the boat reached near



Ramdaschak, the accused persons called them to pay extortion money. On their call, Congress Mahto sailed the boat towards bank of the river but due to fast current in the river the boat floated ahead. Then co-accused Indal Singh fired shot causing injury on the head of the son of the informant who died at the spot.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is allegation of demand of ransom against all the total 26 accused persons including the petitioner and there is no accusation of any assault or overt-act attributed against the petitioner. There is specific allegation of firing attributed against co-accused person, namely, Indal Singh, who has fired upon the son of the informant.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no accusation of firing or assault attributed against the petitioner and the allegation of demand



of ransom is general and omnibus, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Additional District and Sessions Judge-VII, Saran at Chapra in connection with Dighwara P.S.Case No.248 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her criminal antecedents, 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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