

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28124 of 2023

Arising Out of PS. Case No.-771 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AYUSH KUMAR SHUKLA @ AYUSH KUMAR S/O RAJ KUMAR
SHUKLA Resident of Village- S.M. College Road, Chhoti Khanjarpur, P.S.-
Jogsar, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Kotwali (Jogsar) P.S. Case No. 771 of 2022 (G.R. No. 4056/2022) registered for the offences punishable under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was returning to his house from the court on motorcycle and reached at S.M. College near Khanjarpur Chowk, 4 – 5 persons stopped him and assaulted him by fists and legs and snatched his mobile phone and fled away.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused Niraj Kumar and there is no recovery from the possession of the petitioner.

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

Having regard to the facts and circumstances of the case wherein the name of this petitioner has transpired in the confessional statement of the co-accused, there is no recovery from the possession of the petitioner and it seems that a compromise petition has been filed by the parties, the petitioner has otherwise no criminal antecedent, hence, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 771 of 2022 (G.R. No. 4056/2022), 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.

(Rajeev Ranjan Prasad, J)

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