

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28137 of 2023**

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

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AMRESH KUMAR S/o Vishnudayal Singh Resident of village-Repura
Rampur Balli, P.S.-Saraiya (Jaitpur O.P.), Dist-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 10-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Paroo P.S. Case No.95 of 2022, F.I.R. dated 07.03.2022 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, Vijay Bhagat, who was friend of son of the informant, namely, Ashutosh Kumar @ Munna (deceased), came to his house and took him out from his house. The son of the informant did not return. The informant with his son Ankush Kumar and brother Dhirendra Rai went to the house of Satnarayan Bhagat, who is the father of Vijay



Bhagat. They saw that the accused persons were assaulting his son Munna Kumar. The accused persons badly assaulted informant's son with *lathi, danda, bricks* and stones. They also assaulted the informant and his family members. Due to assault given by the accused persons and their family members, son of the informant Munna Kumar died at the spot. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has been transpired in this case. Further, submits that the informant who is eyewitness of the alleged occurrence and he is not named the petitioner in the FIR as well as his restatement during investigation. He further submits that petitioner has no concern at all with the present occurrence and there is no accusation of any assault or overt act attributed against the petitioner.

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

6. Considering the aforesaid facts and circumstances,



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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, XIVth, Muzaffarpur in connection with Paroo P.S. Case No.95 of 2022, 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 absence on two consecutive dates without sufficient reason, his 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 anticipatory 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 criminal antecedents, the court below shall take step for



cancellation of anticipatory 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)

Prakash Narayan

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