

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36851 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- BARH District- Patna

Rajesh Kumar @ Mithu S/O Anugrah Singh @ Ram Anugrah Singh R/O Vill.
Baruane, PS. Bhadaur, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Pravin Kumar, learned counsel for the
petitioner and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Bhadaur P.S. Case No. 10 of 2022, F.I.R. dated 09.02.2022 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with his two associates have committed the murder of the father of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the informant claimed that he has



identified the accused persons and the petitioner is one of them and the informant has categorically stated in the F.I.R. that the petitioner was driving the motorcycle and the co-accused persons namely Rajiv Kumar and nagmani Kumar who have fired upon the father of the informant. Learned counsel for the petitioner further submits that there is no accusation of assault or overt act attributed against the petitioner and the eye witness also suggests that the petitioner was driving the motorcycle and the other co-accused persons have fired upon the father of the informant.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case that the petitioner having clean antecedent and there is no accusation of any assault or overt act or firing attributed against the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Barh, Patna in connection with Bhadaur P.S. Case No. 10 of 2022, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bond shall be cancelled by the Court below.

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

(3) 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.

(Rajesh Kumar Verma, J)

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