

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40868 of 2023**

Arising Out of PS. Case No.-111 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Raushan Kumar, Son of Lalan Singh
 2. Shashi Kumar, Son of Lalan Singh
All Resident of village-Hario, P.S.-M.M.C.H., District-Gaya, Bihar
- Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudheshwar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 17-10-2023 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with M.M.C.H. P.S. Case No.111 of 2023, F.I.R. dated 08.03.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 506, 354(B), 379 of the IPC and 27 of Arms Act.

3. The prosecution case, in short, is that while the informant along with his friends were returning from the *dalan* of his grandfather in the meantime, all the accused persons, including the petitioners, intercepted and assaulted them by means of lathi, danda and butt of the pistol. On hulla being raised, the parents of the informant came and tried to save them,



however they were also assaulted and the accused persons misbehaved with the mother of the informant and tried to outrage her modesty. When the villagers gathered, they fled away by making open fire. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case and the present case is counterblast of M.M.C.H. P.S. Case No.108 of 2023 and 109 of 2023 which was instituted for the same occurrence on the same day. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. Further submits that the FIR is in two parts, in first part, there is general and omnibus allegation against all the accused persons, including the petitioners and in the second part, there is specific allegation against the co-accused persons, namely, Niraj Kumar and Ranjan Kumar, they have assaulted the family members of the informant and the co-accused person, namely, Niraj Kumar and Samsher Singh @ Rahul Singh against whom the similar allegation of assault had been granted privilege of anticipatory bail vide order dated 19.08.2023 in Cr. Misc. No.52788 of 2023 by co-ordinate bench of this Hon'ble Court.



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

6. Considering the aforesaid facts that petitioners having clean antecedents and there is no accusation of any assault or overt act against the petitioners and similar situated co-accused persons have been granted anticipatory bail, let the petitioners, above named, in the event of their 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 Judicial Magistrate, Gaya in connection with M.M.C.H. P.S. Case No.111 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. 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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