

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49721 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- FESHAR District- Aurangabad

Rabindra Kumar Ravi Son Of Chaudhari Ram Naresh Singh Resident Of
Village- Basidha, Ps- Fesar, Distt- Aurangabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mis. Ritika Rani, Advocate
	:	Mr. Dinu Kumar, Advocate
For the State/s	:	Mr. Anant Kumar – 1, APP
For the Informant	:	Mr. Binod Kumar Sinha, Advocate
	:	Mr. Jyoti Ranjan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner Mr. Dinu Kumar, learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the informant and the State.

2. Petitioner seeks bail who is in custody since 29.04.2023 in connection with Phesar P.S. Case No. 47 of 2022, F.I.R. dated 13.04.2022 for the offences punishable under Sections 147, 148, 323, 325, 307, 504, 506/34 and 302 of the Indian Penal Code.

3. According to prosecution case, the informant is alleged to have been assaulted severely on setting work of earthing for electric in private school.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that earlier the



petitioner has been granted anticipatory bail by order dated 15.11.2022 passed in Cr. Misc. No. 43706 of 2022 against the order dated 15.11.2022, the informant has approached the Hon'ble Supreme Court in Cr. Appeal No. 1150 of 2023 and the Hon'ble Supreme Court has been pleased to set aside the order dated 15.11.2022 in Cr. Misc. No. 43076 of 2022, and the petitioner is directed to surrender before the I.O. within one week and, thereafter, the petitioner has surrendered on 29.04.2023.

5. The learned counsel for the petitioner submits that from perusal of the F.I.R., it appears that there is specific and direct allegation against the co-accused person namely, Diwakar, who inflicted repeated subtle blow over the stomach and chest of deceased and, thereafter, other co-accused persons who are named in the F.I.R. including the petitioner have been alleged to assaulting the deceased. He further submits that there is no specific allegation of assault or any overt act attributed against the petitioner, rather there is general and omnibus allegation against the petitioner. He further submits that there is case and counter case between the parties. And the co-accused person namely ***Rameshwar Singh @ Rameshwar Prasad Singh*** has been granted bail by the co-ordinate Bench of this Hon'ble



Court vide order dated 16.12.2022 in Cr. Misc. No. 55038 of 2022 and other co-accused person Ramnaresh Singh has been granted anticipatory bail by the co-ordinate Bench of this Hon'ble Court vide order dated 07.04.2023 in Cr. Misc No. 138 of 2023. The police after investigation has submitted a charge-sheet against the petitioner. The petitioner is in custody since 29.04.2023.

6. The learned counsel for the informant as well as learned counsel for the State on the other hand vehemently opposed the prayer for grant of bail of the petitioner. They further submits that there is specific allegation against the petitioner that he has also assaulted the informant along with other co-accused persons and the anticipatory bail petition of the petitioner has been cancelled by the Hon'ble Apex Court.

7. Considering the aforesaid facts and circumstances, the petitioner is of clean antecedent and there is no specific allegation against the petitioner and similarly situated co-accused persons has been granted bail by this Hon'ble Court. Let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Aurangabad, in connection with



Phesar P.S. Case No. 47 of 2022, subject to the 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 bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 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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