

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44193 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- ASANWA District- Siwan

Kaushal Kishor Singh @ Bigan Singh, Son of Shri Kamta Singh, Resident of
village - Chhitanpur, P.S.- Assaon, District - Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Assaon P.S. Case No. 15 of 2023 registered for the offences punishable under Sections 341, 323, 353, 307, 332, 337, 338, 427, 504, 506/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 19.02.2023 at about 05:00 P.M. when the informant along with other police personnel reached at the door of Rohit Singh during evening patrolling and inquired about Rohit Singh, then Vivek Singh, Rohit Singh, Chandrabhushan Singh all armed with lathi and danda came and started abusing the police and attacked on them. Thereafter, this petitioner along with Jitendra Singh and Amit Singh also attacked on the police and started pelting brick



and stone due to which some police got injured also. They also tried to snatch the rifle of the police. Vivek Singh and Rohit Singh pushed one Baikunth Chaubey and tried to strangulate him with the help of a gamcha.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is named in the FIR only as a member of the mob. It is further submitted that no specific overt act has been alleged against him and the thrust of the allegations are against co-accused Rohit Singh who has been arrested in connection with this occurrence.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is named in the FIR only as a member of the mob and no specific overt act has been alleged against him, the thrust of the allegations are against co-accused Rohit Singh who has been arrested in connection with this occurrence, this petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in



connection with Assaon P.S. Case No. 15 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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