

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43566 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- BELAGANJ District- Gaya

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GAYA SINGH @ SANJEEV KUMAR Son of Dev Saran Singh Resident of
Village - Diha Deeh, P.S.- Belaganj, District - Gaya

... .. **Petitioner**

Versus

The State of Bihar

... .. **Opposite Party**

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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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 Belaganj P.S. Case No. 113 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 325 of the Indian Penal Code and later on Section 302 was added and Section 25(1-b)a/35 of the Arms Act and Section 3/4 of Explosive Substance Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he got information that three persons boarded on a Scorpio vehicle entered in a Deeha village for purpose of theft and nabbed by the villagers and were being assaulted by



the villagers, he along with other police personnel reached there and saw the petitioner along with other persons and 100-150 unknown persons started fleeing away on seeing the police team. The informant alleged that three persons were found lying in injured condition, then, with the help of police they were taken to Primary Health Centre, Belaganj. The informant further alleged that from the Scorpio vehicle three live cartridges, Sutli Bomb, Garasa, Knife and other articles were recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that this petitioner is a co-villager, he is said to be one of the persons who had been seen at the alleged place of occurrence where three persons were beaten by 100-150 unknown persons.

5. Learned A.P.P. 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 this petitioner is a co-villager, he is said to be one of the persons who had been seen at the alleged place of occurrence where three persons, who had allegedly entered in the village in group with an intention to commit theft, were being beaten by seven named and 100-150 unknown persons,



there being no specific allegation against the petitioner having been seen assaulting those persons and the petitioner has otherwise no criminal antecedent, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Belaganj P.S. Case No. 113 of 2023, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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