

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51218 of 2023

Arising Out of PS. Case No.-868 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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BASHISHTH KUMAR @ BISHISHTH KUMAR Son of Rama Bhagat
Resident of village - Banjari ward no. 11, P.S. - Gopalganj, Distt. - Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 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 Gopalganj Town P.S. Case No. 868 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on 18.06.2022 when his son along with his cousin was returning home and reached near the Banjari Pond, the accused persons surrounded him and snatched key of the motorcycle and assaulted him indiscriminately. Accused Bashishth Kumar took out knife from his pocket and gave to



Chandra Bhusban whereupon Chandra Bhushan inflicted knife blow on the chest of the son of the informant. All the accused persons pushed the son of the informant on the ground and inflicted knife in his abdomen and his intestine came out and considering that the son of the informant dead, all the accused persons fled away from there. Thereafter the informant along with villagers came there and taken away his son to the Hospital.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that informant is not an eye witness of the alleged occurrence and the injuries are simple in nature.

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 it appears that this petitioner has not given the knife blow, the allegation against him is that he had taken out a knife from his pocket and gave it to Chandra Bhushan Kumar Kushwaha, the submission being that the petitioner has been falsely implicated and the injury inflicted by Chandra Bhushan Kumar Kushwaha to Sibbu Kumar is simple in nature, this Court having noticed that there is no allegation of commission of overt



act by this petitioner, this Court 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, Gopalganj, in connection with Gopalganj Town P.S. Case No. 868/2022, 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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