

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57997 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Deepak Kumar S/O Lakhon Singh @ Ram Lakhon Prasad Singh R/O Village- Fulhara, P.S- Raja Pakar, Distt.- Vaishali.
2. Shubham Kumar S/O Dharmveer Singh R/O Village- Fulhara, P.S- Raja Pakar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Rajapakar P.S. Case No. 289 of 2022 dated 16.08.2022 instituted for the offence punishable under Sections 341, 323, 353, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 16.08.2022 at about 20.00 hrs, while patrolling, the informant got information about a dispute at Phulhara Bazar. At 21.00 hrs, the informant along with his associates reached at the spot and apprehended one person, namely, Rohit Kumar. Thereafter 10-12 accomplice of Rohit Kumar reached there and scrimmaged with the police team and took away Rohit Kumar from their



custody. It is also alleged that 11 named accused persons and 150-200 unknown accused persons has created hindrance in maintaining law and order.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there are general and omnibus allegations against 11 named and 150-200 unknown persons as mentioned in the F.I.R. Learned counsel for the petitioners submits that it has not been disclosed that who has identified the petitioners. From perusal of the F.I.R., it is clear that on the basis of information of local villagers, the petitioners have been named in the F.I.R. only on the basis of local politics. Learned counsel for the petitioners further submits that similarly situated co-accused Ravi Sundram @ Ravi Kumar s/o Ramlakhan Prasad has granted Anticipatory Bail vide order dated 28.07.2023 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 40626 of 2023. Lastly, it has been submitted that petitioners have two criminal cases against them.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Rajapakar P.S. Case No. 289 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Vaishali at Hajipur subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the 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 on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to



initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

premchand/-

U		T	
---	--	---	--

