

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66595 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- TEKARI District- Gaya

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1. ROHIT KUMAR @ GAUTAM KUMAR Son of Vijai Paswan R/o vill - Malsari, P.S. - Tekari, Distt. - Gaya
 2. Nagmani Kumar Son of Nand Kishor Paswan R/o vill - Malsari, P.S. - Tekari, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Ratan Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, AP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Tekari P.S. Case No. 169 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code read with Section 27 of the Arms Act. They have got one criminal antecedent.

3. As per the prosecution story, while the informant was going on his motorcycle, in the meantime, all the FIR named accused persons including the petitioners surrounded him and co-accused Virendra Yadav fired upon the informant



due to which he sustained a bullet injury over his left shoulder and he fell down. It is further alleged that petitioner no.1 and other accused persons also made firing while fleeing from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that no specific allegation has been alleged against these petitioners of causing injury to the informant rather the allegations are general and omnibus in nature. One of the co-accused, namely, Chhotu Kumar who is similarly situated has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 36549 of 2023.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the specific allegation of firing is against co-accused Birendra Yadav, so far as the allegations against these petitioners are concerned, those are general and omnibus and the petitioners have not injured either the informant or anyone else, the co-accused Chhotu Kumar who is similarly situated has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No.



36549 of 2023, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Tekari P.S. Case No. 169 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 allowed.

(Rajeev Ranjan Prasad, J)

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