

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61317 of 2023**

Arising Out of PS. Case No.-324 Year-2022 Thana- GARKHA District-
Saran

- =====
1. ANKUR RAJ SON OF PAPPU SINGH RESIDENT OF VILLAGE-MAIKI, P.S-
GARKHA, DISTRICT- SARAN AT CHAPRA
 2. PRADEEP SINGH @ PRADEEP KUMAR SON OF GIRJA SINGH RESIDENT
OF VILLAGE-MAIKI, P.S- GARKHA, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudha

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mrs. Sudha, learned counsel for the petitioners
and Mr. Tarkeshwar Nath Thakur, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Garkha P.S. Case No. 324 of 2022 registered for the offence
under Sections 341, 323, 504, 307, 379/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to the prosecution case, the petitioner,
Ankur Raj knocked the informant down and assaulted him on his
back and abdomen with the butt of pistol and the petitioner,
Pradeep Singh, along with another accused put Gamachha around
the neck of the informant and started pulling from opposite side.

Learned counsel appearing for the petitioners submits



that the petitioners are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the petitioners along with other accused persons have assaulted the informant. The petitioner No.1, Ankur Raj alleged to have knocked down the informant and assaulted him on his back and abdomen with the butt of pistol and so far as petitioner No.2, Pradeep Singh, is concerned, he is stated to have put gamchha in the neck of the informant and pulled him from back sides causing him injury. He further submits that although the injury report is opined to be grievous in nature but it is not specific that as to who has inflicted grievous injury to the informant. Moreover, co-accused, Sunita Devi along with Kisan Kumar Singh and Shiv Shankar Kumar Singh @ Shivraj Singh have already been granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2023 passed in Cr. Misc. No. 33445 of 2023 and Cr. Misc. No. 44044 of 2023 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation of assault made by the petitioners to the informant. He further submits that the petitioner No. 1 is having one criminal antecedent and petitioner No. 2 is having two criminal antecedent other than the present one.

Considering the facts and circumstances of the case and the nature of allegation of assault against the petitioners



supported by the injury report, the petitioner No.2, Pradeep Singh @ Pradeep Kumar, against whom no specific allegation of assault causing any grievous injury to the informant is attributed, let the, above named, petitioner No.2, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Garkha P.S. Case No. 324 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

So far as petitioner No.1, Ankur Raj, is concerned, considering the allegation of assault by way of butt of pistol causing fracture injury to the informant, this Court does not find it a fit case for grant of anticipatory bail to petitioner No.1. Accordingly, prayer for grant of anticipatory bail to the petitioner No. 1 is rejected.

(Rajesh Kumar Verma, J)

brajesh/-

U			
---	--	--	--

