

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71221 of 2023

Arising Out of PS. Case No.-99 Year-2018 Thana- ROSERA District- Samastipur

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SUJEET KUMAR @ SUJIT KUMAR SON OF SHAILENDRA KUMAR
RESIDENT OF VILLAGE - MIRJAPUR, P.S. - ROSERA, DISTRICT -
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Adv., Mr. Shishir Kumar Shishir, Adv.
For the State	:	Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 99 of 2018, F.I.R. dated 29.03.2018, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 337, 338, 307, 332, 153, 153A, 153B, 295, 298, 379, 427, 120B and 504 of the Indian Penal Code.

3. The prosecution story, in short, is that the accused persons including the petitioners were creating hindrance in discharging the public duty and made murderous attempt upon the Police party, as a result of which fifteen Police personnel have sustained injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has been falsely implicated in



the present case. He further submits that from a bare perusal of F.I.R. it appears that there is no allegation of any assault or overtact attributed against the petitioner, rather there is general and omnibus allegation has been levelled against other co-accused persons including the petitioners. He further submits that similarly situated co-accused namely Sumit Kumar has been granted anticipatory bail vide order dated 08.10.2018, passed in Cr. Misc. No. 57452 of 2018, another co-accused namely Subham Kumar Sahu @ Shubham Kumar @ Sonu has been granted anticipatory bail vide order dated 20.09.2018, passed in Cr. Misc. No. 57915 of 2018 and other similarly situated co-accused persons have also been granted anticipatory bail by the different Coordinate Bench of this Hon'ble Court.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that petitioner has clean antecedent, no allegation of overtact has been attributed against the petitioner and similarly situated co-accused persons have been granted anticipatory bail by the Coordinate Bench of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri



Jitendra Kumar, learned J.M., Ist Class, Rosera, Samastipur in connection with Rosera P.S. Case No. 99 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

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

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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.

(Rajesh Kumar Verma, J)

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