

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73744 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- DANIYAWAN District- Patna

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Rahul Kumar Yadav S/O- Jitendra Gope @ Doman Yadav R/O- Village-
Daniyawar, P.S.- Daniyawar, Dist.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 09-11-2023 Heard Mr. Ashok Kumar Jha, learned counsel for the

petitioner as well as Mr. Anish Chandra, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Daniyawar P.S. Case No.64 of 2023, F.I.R.
dated 09.03.2023 registered for the offence punishable under
Sections 341, 323, 354A, 354B, 504/34 of the Indian Penal
Code and Section 37 of the Bihar Prohibition and Excise Act.

3. The prosecution story, in short, is that the informant
and his family members went to village worship place for
worship of a new Scooty, suddenly five boys on two
motorcycles came inside the temple when the worship of the



Scooty was going on, started abusing the 'Pandijee' and misbehaved with the family members of the informant and the 'Pujari' and also misbehaved with his wife and all were were in drunken condition as smell was coming. They informed the S.H.O. and the police came there and one boy was caught hold who disclosed his name as Golu Kumar and he disclosed the name of Rahul Kumar and could not disclose the name other three unknown who were in drunken condition. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person namely, Golu Kumar. He further submits that it appears from the F.I.R. that there is no specific allegation against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carry one more case other than the present one, but fairly submits that the petitioner is on bail in pending case.

6. Considering the aforesaid facts, 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 learned Special Judge, Exclusive Special Court of Excise, Patna City, Patna in connection with Daniyawan P.S. Case No.64 of 2023, 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)

Prakash Narayan

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