

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2861 of 2023

Arising Out of PS. Case No.-75 Year-2015 Thana- ATRI District- Gaya

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Umesh Rajwanshi Son of Rupaswarup Rajwanshi @ Ruplal Rajwanshi
Resident of Village- Sukhebiga, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 325, 307, 504 and 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, 30 persons named in
the F.I.R. and 140 unnamed persons have assaulted the police
personnel by means of lathi, danda, arms and bricks and causes
injuries to the police personnel.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that there is allegation against 30 persons named in the F.I.R. and 140 unnamed persons who are said to have assaulted the constable of armed police force. He further submits that from perusal of the F.I.R. it is found that there is no specific allegation of assault or overt act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.08.2022. He further submits that similarly situated, co-accused persons, namely :-

1) Ram Nandan Yadav @ Ramanand Yadav @ Ramjee Yadav and Rajendra Yadav have been granted bail by a Co-ordinate Bench of this Court vide order dated 28.04.2016 passed in Cr. Misc. No. 17241 of 2016.

2) Birendra Rajbanshi has been granted bail by a Co-ordinate Bench of this Court vide order dated 31.05.2016 passed in Cr. Misc. No. 22850 of 2016.

3) Umesh Yadav, Govind Yadav, Mithilesh Yadav and Vikash Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.01.2019 passed in Cr. Misc. No. 749 of 2019.

4) Arjun Rajwanshi has been granted bail by a Co-



ordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 40343 of 2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but he is on bail in the said case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Atri P.S. Case No. 75 of 2015, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.



3. 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.

(Rajesh Kumar Verma, J)

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