

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75031 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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NIRAJ KUMAR @ NEERAJ KUMAR RAI @ GANDHI JI @ GANDHI
Son of Late Ramadhar Rai R/v- Rajaura, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
correct the father's name of the petitioner during the course of
day.

Petitioner seeks bail, who is in custody since
11.10.2022, in connection with Muffasil P.S. Case No. 146 of
2022, F.I.R. dated 19.03.2022, for the offences punishable under
Sections 147, 148, 149, 323, 341, 324, 307, 353, 143, 145, 337,
504, 506 of the Indian Penal Code and later on Sections 153(A),
295(A) of the Indian Penal Code were added.

According to prosecution case, due to an altercation
between children of two communities, the petitioner along with



other named accused persons and 100 unknown persons blocked the road and pelted stones on police party and put hindrance in discharging the official duty by the police team

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is false and fabricated and there is no specific allegation of any assault or overt act against the petitioner rather there is general and omnibus allegation against the petitioner and similarly situated co-accused persons, namely, Lalan Kumar Singh and Mithlesh Kumar @ Mithilesh Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.01.2023 passed in Cr. Misc. No. 67068/2022 and another co-accused namely, Md. Intekhab @ Md. Intkab @ Mohammad Intekhab has been granted anticipatory bail vide order dated 24.01.2023 passed in Cr. Misc. No. 69625/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven



criminal antecedent other than the present one but fairly submits that out of seven cases, the petitioner is on bail in six cases.

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 C.J.M., Begusarai, in connection with Muffasil P.S. Case No. 146/2022, 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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