

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3959 of 2024

Arising Out of PS. Case No.-499 Year-2023 Thana- PAKARIBARAW District- Nawada

1. Gorelal Singh Son Of Late Prithvi Singh Resident Of Village - Dumrawan, P.S. - Pakribarawan, District - Nawada
2. Rakesh Kumar Son Of Gorelal Singh Resident Of Village - Dumrawan, P.S. - Pakribarawan, District - Nawada
3. Ritesh Kumar @ Ritosh Kumar Son Of Late Sanjay Singh Resident Of Village - Dumrawan, P.S. - Pakribarawan, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhanu Pratap Singh Mr. Amarnath Singh Mr. Satya Prakash, Advocates
For the Informant	:	Mr. Sudhir Kumar Singh, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Bhanu Pratap Singh, learned counsel for the petitioners, Mr. Sudhsir Kumar Singh, learned counsel appearing on behalf of the Informant and Mr. Anil Kumar, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the application with respect to petitioner no. 2, namely, Rakesh Kumar, with liberty to the petitioner to surrender before the learned Court below within a period of four weeks from today and seeks regular bail.

3. Permission is accorded.

4. The application is dismissed as withdrawn with



respect to the petitioner no. 2, namely, Rakesh Kumar, with the liberty that the petitioner no. 2, namely, Rakesh Kumar, surrenders and seeks regular bail before the learned Court below, the same shall be considered and disposed of on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Pakribarawan P.S. Case No. 499 of 2023, F.I.R. dated 22.10.2023 registered for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.

6. Allegation against the petitioners is that accused Rakesh Singh with the help of other co-accused persons assaulted the informant with gadasa causing injury on her head and other co-accused persons assaulted the informant and her Gotani Aradhana Kumari due to which they sustained injury.

7. Learned counsel for the petitioners (except petitioner no. 2) submits that the petitioner no. 1, namely Gorelal Singh carries two more cases other than the present one in which he is on bail whereas petitioner no. 3, namely, Ritesh Kumar @ Ritosh Kumar having clean antecedent and they have been falsely implicated in the present case due to admitted land dispute between the parties. He further submits that from perusal of the F.I.R. it appears that there is specific and direct



allegation is against co-accused Rakesh Kumar who has assaulted the informant by means of *gada*. He further submits that petitioner no. 1 Gorelal Singh is the order giver and there is no specific allegation of assault or overt act against accused Ritesh Kumar @ Ritosh Kumar.

8. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 2) and submits that from perusal of the F.I.R. it appears that there is specific allegation against the petitioner Ritesh Kumar that he abuses the family members of the informant and apart from the fact that the petitioner no. 1, namely, Gorelal Singh carries two more cases other than the present one in which he is on bail and petitioner no. 3 namely, Ritesh Kumar having clean antecedent.

9. Considering the facts and circumstances of the case, let the petitioners (except petitioner no. 2), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Pakaribarawan P.S. Case No. 499 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following



conditions :-

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

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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