

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8261 of 2024

Arising Out of PS. Case No.-105 Year-2020 Thana- KARAKAT District- Rohtas

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Guddu Kumar @ Vikash Kumar S/O Sripati Singh, Village- Gorari, PS.-
Karakat, Dist.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Amaresh Kumar Sinha, Advocate

For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Amaresh Kumar Sinha, the learned

counsel for the petitioner and Mr. Uma Shankar Prasad Singh,

the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Karakat PS Case No. 105 of 2020, FIR dated

20.06.2020, registered for the offences punishable under

Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal

Code.

3. According to the prosecution case, all the FIR

named accused persons, armed with lathi and iron-rod, intruded

into the house of the informant, dragged him out of his house

and assaulted him due to which he suffered head injury causing

bleeding and subsequently he fell unconscious. It is further

alleged that the cause of incident was an argument with the



cousin of the informant two hours ago.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there are general and omnibus allegations against all the accused persons including the petitioner. He lastly submits that the co-accused person namely, Ashok Ram has been granted anticipatory bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 14859 of 2024 and co-accused persons namely, Manoj Singh @ Manoj Kumar Singh and Ravi Kumar have also been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.03.2022 passed in Cr. Misc. No. 28790 of 2021.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and he has participated in the crime in question. Apart from that, petitioner carries one criminal antecedent other than the present one, however, he fairly admits that the petitioner is on



bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the fact that there is no specific allegation of any assault or overt act against the petitioner and similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Sasaram (Rohtas), where the case is pending in connection with **Karakat PS Case No. 105 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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