

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18329 of 2024

Arising Out of PS. Case No.-54 Year-2016 Thana- RAFIGANJ District- Aurangabad

1. Chhotu Kumar S/O- Jairam Singh
 2. Tuntun Kumar S/O- Parmanand Singh.
- Both are R/O- Mohall- Danai, P.S.- Rafiganj, Dist.- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Sagar, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr.Jitendra Kumar Sagar, learned counsel for the petitioners and Mr.Uday Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rafiganj P.S.Case No.54 of 2016, FIR dated 23.03.2016 registered for the offences punishable under Sections 324,307,448,380,147,148,149,341,323 and 511 of the Indian Penal Code.

3. The prosecution case, in short is that on 23.03.2016 one Awadhesh Singh gave a fardbeyan in P.H.C., Rafiganj before the police Officer of Rafiganj stating therein that on the same day at 2.30 PM the occurrence took place near the flour mill of Rajeshwar Singh. Three days earlier at 11.00 PM his



villager Gupta Singh raised hulla of theft and said that Chandan Singh, Shamsheer Kumar Manta Kunsar and Kundan Kumar of his village has entered into the house of Gupta Singh on chase Mantu Kumar and Kundan Kumar were caught. However villagers collected got them released. For the said reason marpit took place on 23.03.2016 at the PM near the flour mill. For the said reason all the 12 accused persons named in the FIR of his village went he variably armed and committed marpit near the flour mill Nagendra Singh was going to the flour mill for crushing of wheat when marpit took place. He went there and was also assaulted by Kundan Singh with Iron rod Jai Singh assaulted Sachitanand Singh with Garasa on his head Mantu Kumar assaulted Deepak Kumar with Iron rod on head. Anil Singh assaulted Subodh Kumar with Garasa on his head and car. Jairam Singh assaulted Rachita Singh by sword on his head Munna Kumar Singh assaulted Ajay Kumar with Garasa on his head. Santu Kumar assaulted Pankaj Komar with Sword, Chhotu Kumar Assaulted Chitranjan Singh with Garusa. Kundan Kumar assaulted Manish Kumar Singh with Iron road. He has full faith that accused persons assaulted the victims with intention to kill them.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault is against co-accused persons, namely, Ram Kumar, Mantu Kumar and Jai Singh. Further submits that the allegation as alleged against co-accused persons, namely, Ram Kumar and Mantu Kumar, who have been granted privilege of anticipatory bail vide order dated 08.09.2016 passed in Cr.Misc. No.36833 of 2016 and co-accused person, namely, Jai Singh and Others have also been granted privilege of anticipatory bail vide order dated 22.09.2016 passed in Cr. Misc. No.40601 of 2016 by a Coordinate Bench of this Hon'ble Court.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and other co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court, let the petitioners,



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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No.54 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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.

(II) If the petitioners tamper 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 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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