

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6943 of 2024

Arising Out of PS. Case No.-703 Year-2022 Thana- GAURICHAK District- Patna

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Guddu Kumar @ Baijnath Kumar son of Uma Shankar Rai Village- Kandap
Ps- Gaurichak Dist- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad, Advocate
Mr. Vijay Prakash Bhargava, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Rabi Bhushan Prasad, learned counsel for

the petitioner and Mr. Ram Anurag Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak P.S. Case No. 703 of 2022, F.I.R. dated 18.10.2022 for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 427, 447 and 448 of the Indian Penal Code.

3. According to prosecution case, after the arrest of the informant's husband, all the accused persons including the petitioner have brutally assaulted the informant and also tried to outrage the modesty of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



present case is the counter blast of Gaurichak P.S. Case No. 702 of 2022 which was filed by Lalita Devi who is mother of co-accused, Rohit Kumar. He further submits that from perusal of the F.I.R it appears that there is specific allegation attributed against the petitioner that he has assaulted the informant, namely, Usha Devi by means of rod but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance. He further submits that co-accused persons, namely, Devendra Rai and others have been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 24.08.2023 passed in Cr. Misc. No. 45943 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Patna City in connection with Gaurichak P.S. Case No. 703 of 2022, subject



to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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.
- 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 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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