

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12676 of 2024

Arising Out of PS. Case No.-707 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Gorakh Raines @ Jasim Alam Son of late Raeesh Raines Resident of village-
Kothi Saheed, P.S.-Sasaram (town), Distt.-Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate
For the Informant	:	Mr. Prabhakar Sahai, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Raghunandan Kumar Singh, learned counsel for the petitioner, Mr. Prabhakar Sahai, learned counsel appearing on behalf of the Informant and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Sasaram (Town) P.S. Case No. 707 of 2023, F.I.R. dated 07.08.2023 registered for the offences punishable under Sections 341, 323, 302, 307, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 06.08.2023 at about 07:05 P.M. Afroz @ Chikku, Chand Khand and Sanu Rahman went at Chowk Bazar, ate egg roll and were going towards Alamganj then in the way nine accused persons



including the petitioner then accused Naushad Raines @ Lallu asked her brother Afroz @ Chikku as to what he was saying near Chandan Saheed Peer, his brother replied that he was demanding his money, then accused Veerat abused and caught him, Naushad Raines @ Lallu fire pistol in his stomach as a result he fell down on earth and died on spot, accused Sonu Raines fires on the leg of Sanu Rahman, accused Veerat fired upon Chand Khan and thereafter all the accused persons fled away.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is direct and specific allegation of firing attributed against co-accused persons namely Naushae Raines @ Lallu, Sonu Raines and Veerat and at best the petitioner is a member of mob and there is no specific allegation of any assault or overt act attributed against the petitioner.

5. 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 petitioner and submits that the petitioner is named in the F.I.R. and the petitioner was present at



the place of occurrence and he was actively participated in the crime in question.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 707 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) 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 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 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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