

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12321 of 2024

Arising Out of PS. Case No.-692 Year-2023 Thana- BUXAR District- Buxar

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1. Bittu Kumar @ Prakash Kumar S/O Dinesh Kumar, R/O Village- Ambedakar Chauk, Mahatma Gandhi Nagar, Buxar, P.S- Buxar Town, Distt.- Buxar.
 2. Angad Kumar @ Raushan Kumar S/O Ramesh Kumar @ Ramesh Prasad, R/O Village- Ambedakar Chauk, Mahatma Gandhi Nagar, Buxar, P.S- Buxar Town, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Dr. Kamal Deo Sharma, the learned counsel
for the petitioners and Mr. Anish Chandra, the learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Buxar Town PS Case No. 692 of 2023, FIR dated
23.12.2023, registered for the offences punishable under Sections
147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal
Code and under Section 27 of the Arms Act.

3. According to prosecution case, the FIR named
accused persons assaulted the brother of the informant, and a
couple of days later one Ravi Yadav, who was accompanied by
other accused persons, opened fired upon the informant, the



informant, however, survived the shot. It is further alleged that upon arrival of the police, the accused persons fled the scene, meanwhile Ravi Yadav dropped his pistol while escaping, which the informant handed over to the police.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegations as alleged in the FIR are false and fabricated and the petitioners have not committed any such offence as alleged. 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 petitioners, rather the specific allegation of firing is attributed against the co-accused person namely, Ravi Yadav.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against the them, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, 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) each with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Buxar, where the case is pending in connection with **Buxar Town PS Case No. 692 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 bond 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 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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