

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12310 of 2024

Arising Out of PS. Case No.-119 Year-2021 Thana- FATEHPUR District- Gaya

Ramashish Kumar @ Ramashish Yadav S/O Dowarika Prasad, R/O Village-
Kathiaundh Tola, Gulariya Tand, PS.- Fatehpur, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Sheo Kumar Prasad, the learned counsel
for the petitioner and Mr. Choubey Jawahar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Fatehpur PS Case No. 119 of 2021, FIR dated
16.04.2021, registered for the offences punishable under
Sections 341, 323, 325, 307, 379, 354, 504 and 506 read with
Section 34 of the Indian Penal Code.

3. According to prosecution case, the co-accused
persons stopped the tractor of the informant, who was going to
plant *mung* and assaulted him. It is further alleged that his
golden chain was also snatched by the co-accused persons.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegations as alleged in the FIR are false and fabricated and the petitioner has not committed any such offence as alleged. He further submits that upon perusal of the FIR, it appears that date of occurrence as alleged in the FIR is 12.04.2021, but the present FIR has been instituted in 16.04.2021 after delay of four days without giving any explanation of delay. He further submits that according to the FIR, the petitioner has assaulted the husband of the informant, although, the injury report of the husband of the informant namely, Devnandan Prasad suggests that he has received the injury which is as follows:-

(i) lacerated wound over vertex of size 2" x ½" x (approx), scalp deep injury, red colour bleeding.

*(ii) swelling associated tenderness and contusions over Rt forearm 4" approx above distal joint size 3" x 2 ½".
No deformity.*

But the opinion of both the parties are reserved till X-ray plates and radiological comments are available from Anugrah Narayan Medical College, Gaya and it appears from the impugned order itself that the same was not available before the learned trial Court and the and the other co-accused persons namely, Kailash Yadav, Ramvilash Yadav, Ranjeet Yadav,



Pramod Kumar and Pawan Kumar @ Pawan Yadav have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.09.2021 passed in ABP No. 2574 of 2021.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and similarly situated co-accused persons have been granted anticipatory bail, let the petitioner, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additioanl Chief Judicial Magistrate-X, Gaya, where the case is pending in connection with **Fatehpur PS Case No. 119 of 2021**, 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 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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