

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16677 of 2024

Arising Out of PS. Case No.-624 Year-2023 Thana- FATUA District- Patna

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Ankit Kumar @ Lucky Son of Late Vinay Kumar, Resident of village -
Mirzapur Nohta, Police Station - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2024 Heard Mr. Anil Kumar Singh, the learned counsel

for the petitioner and Mr. Raj Kishor Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Fatuha PS Case No. 624 of 2023, FIR dated

18.08.2023, registered for the offences punishable under

Sections 323, 341, 307 and 504 read with Section 34 of the

Indian Penal Code.

3. According to prosecution case, the petitioner along

with other co-accused persons tried to snatch the chain of the

informant and upon his protest, they opened fire on him causing

gun-shot injury on his waist.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case. He



further submits that upon perusal of the FIR, it appears that there is specific allegation against co-accused person namely, Aniket Kumar, who has fired upon the informant and the petitioner is being made accused in the present case merely on the ground that the petitioner is the brother of the co-accused Aniket Kumar.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was member of the unlawful assembly and apart from that the petitioner carries two criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail after compromise in Fatuha PS Case No. 247 of 2023.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or overt act, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, 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 Additional Chief Judicial Magistrate, Patna City, Distt.- Patna, where the case is pending in connection with **Fatuha PS Case No. 624 of 2023**, 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 trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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