

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18498 of 2024

Arising Out of PS. Case No.-1003 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Rahul Kumar @ Rahul Kumar Yadav Son Of Sri Gangasagar Yadav Resident
Of Village - Jhoparpatti, Bari Khanjarpur, P.S. - Barai, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Vivekanand Vivek, learned counsel for

the petitioner and Ms. Rina Sinha, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kotwali (Jogsasr) P.S. Case No. 1003 of 2022,
F.I.R. dated 28.10.2022 for the offences punishable under
Sections 147, 148, 149, 323, 353, 427, 188 and 290 of the
Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioners have violated the terms and
conditions of license and assaulted the informant along with all
police personnel.

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 it appears from the F.I.R that there is general and omnibus allegation against all the accused persons and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the co-accused, namely, Rajendra Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 9413 of 2023, co-accused, namely, Sanjay Kumar and others have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 13670 of 2023 and co-accused, namely, Bipin Yadav @ Bipin Kumar @ Bipin Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.12.2023 passed in Cr. Misc. No. 76718 of 2023 and the case of the petitioner is on similar footings.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against the petitioner and the other accused persons have been granted anticipatory bail by the Co-ordinate Bench of



this Court, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 1003 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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