

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16037 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- ROSHANGANJ District- Gaya

1. Kaushal Kumar S/o Uday Prasad R/o Village Banke Bazar PS Roushanganj Dist Gaya
2. Shivnandan Singh Vikram S/o Soharai Singh R/o Village Nawadih, PS Roushanganj Dist Gaya
3. Niranjana Kumar @ Ranjay S/o Kapil Dev @ Kapil Dev Prasad R/o Village Juri, PS Roushanganj Dist Gaya
4. Rahul Kumar @ Rahul Kumar Chandrabanshi S/o Ranjit Singh @ Ranjit Kumar R/o Village Juri, PS Roushanganj Dist Gaya
5. Babulal Prasad S/o Faguni Prasad R/o Village Juri, PS Roushanganj Dist Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Vijay Kumar, the learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Roushanganj (Bankebazaar) PS Case No. 157 of 2023, FIR dated 01.06.2023, registered for the offences punishable under Sections 147, 148, 149, 341, 342, 427, 436, 384, 385, 120(B) and 379 of the Indian Penal Code and under Section 27 of Arms Act.



3. According to prosecution case, the FIR named accused persons along with thirty unknown persons armed with *lathi, danda*, pistol and iron-rod came at Balu Ghat Cluster No. 31 and set ablaze the Hyva truck, damaged other vehicles and also the Poclain machine. It is further alleged that the accused persons snatched Rs. 67,000/- (rupees sixty-seven thousand) from the office and demanded Rs. 1,000/- (rupees one thousand) per loading of vehicle as ransom.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and petitioners have not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that the specific allegation is against co-accused Madhuri Devi and Prem Paswan, and at best the petitioners may be considered as members of the mob.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos. 1 and 2 carry one criminal antecedent other than the present one, however, he fairly admits that both the petitioners are on bail in the pending matter, meanwhile petitioner nos. 3, 4 and 5 have



clean antecedents.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation against the petitioners, let the petitioners, above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sherghati at Gaya, where the case is pending in connection with **Roushanganj (Bankebazaar) PS Case No. 157 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 trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court shall take step for cancellation of bail bond of the petitioners. 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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