

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14993 of 2024

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

Rohit Kumar Son Of Raju Prasad Resident Of Village - Mirjapur Nohta,
Police Station - Fatuha, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prem Kumar, Advocate
For the State	:	Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-06-2024 Heard Mr. Prem Kumar, learned counsel for the

petitioner and Md. Ataur Rahman, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No. 624 of 2023, F.I.R. dated 18.08.2023 for the offences punishable under Sections 323, 341, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, petitioner along with other co-accused persons tried to snatch the chain of the informant and on protest, they opened fire on him causing gunshot injury on his waist.

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 petitioner has been



falsely implicated in the present case due to Fatuha P.S. Case No. 191 of 2023 which was filed by the petitioner against the present informant and his family members. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioner rather specific allegation of assault is attributed against co-accused person, namely, Ankit Kumar @ Lucky. He further submits that co-accused person, namely, Ankit Kumar @ Lucky has been granted anticipatory bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. No. 16677 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no specific allegation of any assault or overt act is attributed against the petitioner and co-accused person, namely, Ankit Kumar @ Lucky has been granted anticipatory bail by 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 A.C.J.M. , Patna City, Patna



in connection with Fatuha P.S. Case No. 624 of 2023, 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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