

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19006 of 2024

Arising Out of PS. Case No.-867 Year-2021 Thana- FATUA District- Patna

Dilip Kumar Son Of Late Chandu Prasad Resident Of Village - Mirzapur
Nohta, P.S. - Fatuha, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr.Vijay Anand, learned counsel for the
petitioner and Mr.Akbar Ali, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Fatuha P.S. Case No.867 of 2021, FIR dated 08.11.2021 registered for the offences punishable under Sections 384/302/34 of IPC and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he alongwith other co-accused persons opened fired upon the husband of the informant for demand of extortion money of Rs.20,00,000/- causing bullet injury by which he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is specific allegation of firing is



attributed against co-accused persons, namely, Sanjay Kumar @ Bhoma, Randhir Kumar and Anjay Kumar and there is no specific allegation of any assault or overt-act is attributed against the petitioner and at best the petitioner is only a member of the mob and the similar situated co-accused person, namely, Pawan Kumar, against whom the similar allegation that he was also present alongwith other co-accused person, has been granted privilege of anticipatory bail by this Court vide order dated 09.11.2022 passed in Cr. Misc. No.29134 of 2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act and the co-accused person has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his 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 learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Fatuha P.S.



Case No.867 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner 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 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/her criminal antecedents, 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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