

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28463 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- DHARHARA District- Munger

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Ashwani Kumar @ Ashwini Kumar Son Of Ram Lakhan Prasad Singh
Village- Baha Choki, Police Station- Dharhara, District -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Karna, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar, APP
For the Informant :	Mr. Bishwajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2024 Heard Mr. Ashok Kumar Karna, learned counsel for the petitioner, Mr. Bishwajeet Kumar, learned counsel appearing on behalf of the informant as well as Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dharhara Hemjapur P.S. Case No. 188 of 2023, F.I.R. dated 05.09.2023 for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, due to some land disputes this petitioner along with other accused persons have fired upon the father of the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case on the previous land dispute. He further submits that Title Suit No. 114 of 2020 is already pending between the family members of the informant and the petitioner. He further submits that it appears from the F.I.R that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation. He further submits that the main allegation is attributed against the co-accuse, namely, Anjani Kumar and the petitioner is the brother of Anjani Kumar. He further submits that the co-accused, namely, Ram Lakhan Prasad Singh who happens to be the father of the petitioner has been granted anticipatory bail by this Hon'ble Court vide order dated 17.02.2024 passed in Cr. Misc.No. 7270 of 2024. He further submits that at the date of occurrence the petitioner was posted at Kohima and he was not present at the place of occurrence.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraph no. 32 of the case diary that the petitioner has actively participated in the present occurrence.



6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class, Munger in connection with Dharhara Hemjapur P.S. Case No. 188 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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