

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26832 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- RAJIVNAGAR District- Patna

Suraj Kumar @ Gadasi S/O Sohan Singh, R/O Mohalla- Rajiv Nagar, P.S-
Rajiv Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramji Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2024 Heard Mr. Ramji Kumar, the learned counsel for
the petitioner and Mr. Satyendra Narayan Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rajiv Nagar PS Case No. 274 of 2023, FIR
dated 17.05.2023, registered for the offences punishable under
Sections 341, 342, 323, 325, 324, 307 and 504 read with Section
34 of the Indian Penal Code.

3. According to prosecution case, upon the objection
of informant regarding parking of motorcycles in front of his
house to his neighbour Chunni Devi, her sons assaulted the
informant with *lathi* and rods causing head injury. It is further
alleged that the petitioner along with other co-accused persons,
upon instigation of Chunni Devi, assaulted the elder brother of

the informant causing leg fracture.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and no such occurrence has taken place and it appears from the FIR that FIR is in two parts, in the first part, there is specific allegation of assault attributed against the co-accused persons and in the second part, there is specific allegation of assault attributed against the petitioner along with other co-accused persons that they have assaulted to the elder brother of the informant. He further submits that it appears from the FIR itself that there is no specific allegation of any assault or overt act, rather there is general and omnibus allegation that all the accused named persons have assaulted to the brother of the informant. He lastly submits that the co-accused person namely, Raushan Kumar, against whom there is similar nature of allegation, has been granted the privilege of anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 7922 of 2024 and other co-accused persons namely, Chunni Devi and Ors. have also been granted the privilege of anticipatory bail by this Court vide order dated 29.02.2024 passed in Cr. Misc. No. 73781 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and the fact that a similarly situated co-accused person namely, Raushan Kumar has been granted the privilege of anticipatory bail and other co-accused persons namely, Chunni Devi and Ors. have also been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Patna, where the case is pending in connection with **Rajiv Nagar PS Case No. 274 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner 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 his absence on two consecutive dates without

sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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