

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29233 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- RAHUI District- Nalanda

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1. Susant Kumar @ Sushant Kumar @ Shoshant Kumar S/o Umesh Yadav @ Umee Yadav R/o Vill-Amba Ps-Rahui Dist -Nalanda
 2. Dabloo Kumar S/o Umesh Yadav R/o Vill-Amba Ps-Rahui Dist -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2024 Heard Mr. Ranjeet Kumar Mishra, learned counsel for the petitioners and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rahui (Bhagan Bigha) P.S. Case No. 163 of 2023, F.I.R. dated 22.04.2023 for the offences punishable under Sections 147,148, 149, 341, 323, 307, 337, 504 of the Indian Penal Code and under Section 27 of the Arms Act.

3. According to prosecution case, when the informant was going on the road, the petitioners along with other accused persons threw dirty water, stones and bricks on him and his family members.

4. Learned counsel for the petitioners submits that petitioner no. 2 has clean antecedent and petitioner no. 1 has one criminal antecedent and they have falsely been implicated in the



present case. He further submits that on bare perusal of the FIR it appears that there is no allegation of assault and overt act against the petitioners rather there is general and omnibus allegation against all the ten accused persons including these petitioners. He further submits that co-accused person namely, Mukesh Kumar @ Mukesh Yadav has been granted bail by this Court vide order dated 15.09.2023 passed in Cr. Misc. No. 64072/2023 and another co-accused person namely, Ravindra Kumar @ Ravindra Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.02.2024 passed in Cr. Misc. 21257/2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that there is no allegation of assault and overt act against these petitioners, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda (Biharsharif) in connection with Rahui (Bhagan Bigha) P.S. Case No. 163/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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