

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38964 of 2024

Arising Out of PS. Case No.-7 Year-2019 Thana- DAUDNAGAR District- Aurangabad

1. Ankit Kumar @ Chhotu Kumar S/O Yogendra Saw @ Yogendra Prasad, R/O Village- Lala Amauna, PS- Daudnagar, District- Aurangabad, Bihar.
2. Anuj Kumar @ Banti Kumar S/O Yogendra Saw @ Yogendra Prasad, R/O Village- Lala Amauna, PS- Daudnagar, District- Aurangabad, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Lalbahadur Singh, Advocate

For the Opposite Partys : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2024 Heard Mr. Lalbahadur Singh, the learned counsel

for the petitioners and Mr. Ram Sevak Choudhary, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Daudnagar PS Case No. 07 of 2019, FIR dated

03.01.2019, registered for the offences punishable under

Sections 147, 149, 323, 307, 354, 379, 504 and 506 of the

Indian Penal Code.

3. According to the prosecution case, the accused

persons came at the doorstep of the informant and threatened

him to compromise the case otherwise, they will kill him. It is

further alleged that when the informant asked for time, the



accused persons assaulted him with *lathi* and when his daughter came to his rescue, they also assaulted her. It is further alleged that the accused persons snatched Rs. 6,000/- (Rupees six thousand) from the pocket of the informant.

4. Learned counsel for the petitioners submits that from the perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners, rather there is general and omnibus allegations against these petitioners. He lastly submits that the co-accused persons namely, Pinku Sao and Guddu Saw @ Guddu Kumar has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.06.2019 passed in Cr. Misc. No. 38060 of 2019.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is specific allegation against petitioner no. 1. Apart from that, petitioner no. 1 carries one criminal antecedent other than the present one, however, petitioner no. 2 has clean antecedent.

6. Considering the aforesaid facts and circumstances and mainly the facts that the allegation levelled against these



petitioners are general and omnibus in nature and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the learned 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Daudnagar, Augrangabad, Bihar, where the case is pending in connection with **Daudnagar PS Case No. 07 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial



Court 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 learned trial Court 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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