

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32418 of 2024

Arising Out of PS. Case No.-54 Year-2016 Thana- RAFIGANJ District- Aurangabad

1. Dhananjay Singh son of Late Gopal Singh R/o- vill- Danai, P.S- Rafiganj, Dist- Aurangabad
2. Shamsheer Singh son of Jai Singh R/o- vill- Danai, P.S- Rafiganj, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sagar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2024 Heard Mr. Jitendra Sagar, learned counsel for the petitioners as well as Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rafiganj P.S. Case No. 54 of 2016, F.I.R. dated 23.03.2016 for the offences punishable under Sections 324, 307, 448, 380, 147, 148, 341, 323 and 511 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners armed with deadly weapon have brutally assaulted the victim and other persons with an intention to kill them.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act attributed against these petitioners. He further submits that the police after investigation have submitted final form dated 31.12.2017 in favour of the petitioners but the learned Court below differing with the police report has taken cognizance against these petitioners and other accused persons vide order dated 16.07.2019. He further submits that the co-accused, namely, Ram Kumar and Mantu Kumar have been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 08.09.2016 passed in Cr. Misc. No. 36833 of 2016, other accused persons, namely, Jai Singh and others have also been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 22.09.2016 passed in Cr. Misc. No. 40601 of 2016 and co-accused, namely, Chhotu Kumar has been granted anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 18329 of 2024.

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

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against



these petitioners, other accused persons have been granted bail by a Co-ordinate Bench of this Court and the petitioners have clean antecedent, 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, Aurangabad in connection with Rafiganj P.S. Case No. 54 of 2016, 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 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 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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