

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38273 of 2024

Arising Out of PS. Case No.-100 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Dablu Kumar @ Chandan Raj @ Chandan Kumar S/o Brajendra Prasad Verma @ Brajendra Verma, R/o vill - Budhgere, P.S. - Muffasil, Distt. - Gaya
2. Mantu Kumar @ Aaryan Raj S/o Santu Verma @ Sanjay Prasad, R/o vill - Budhgere, P.S. - Muffasil, Distt. - Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Prithivi Raj Singh, Advocate
For the Opposite Party	:	Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Prithivi Raj Singh, the learned counsel for the petitioners and Mr. Abhay Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gaya Muffasil PS Case No. 100 of 2020, FIR dated 10.03.2020, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 337, 307, 353, 332, 333, 338, 427, 435, 504 and 506 of the Indian Penal Code.

3. According to the prosecution case, the informant received information that one Guddu Yadav @ Army along with others has opened fire upon Bitu Gupta @ Bitu Sao, who later died during treatment, and several persons who were standing at



the place of occurrence attacked the police personnel deployed there on duty, due to which the police personnel sustained injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present. He further submits that the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that although petitioners are named in the FIR, however, there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He lastly submits that the co-accused persons namely, Tarjan Sao @ Vivek Kumar & Ors. have been granted the privilege of anticipatory bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 50352 of 2024 and another co-accused person namely, Badal Kumar @ Prince Kumar has been granted the privilege of anticipatory bail by this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 32820 of 2021 and another co-accused persons namely, Dino Sao @ Dinesh Kumar Gupta @ Dina Sao, Dina Yadav and Satendra Yadav have also been granted the privilege of anticipatory bail by a co-



ordinate Bench of this Court vide orders dated 05.07.2022 passed in Cr. Misc. No. 59513 of 2021 and in Cr. Misc. No. 60471 of 2021.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is no specific allegation of any assault or overt act attributed against the petitioners 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-I, Gaya, where the case is pending in connection with **Gaya Muffasil PS Case No. 100 of 2020**, 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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