

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39283 of 2024**

Arising Out of PS. Case No.-750 Year-2023 Thana- GAURICHAK District- Patna

1. Randhir Kumar Son of Sushil Ray Resident of Mohalla- janakpur, P.S- Gaurichak, P.O- Fatehpur, Dist- Patna
2. Niraj Kumar Son of Sushil Ray Resident of Mohalla- janakpur, P.S- Gaurichak, P.O- Fatehpur, Dist- Patna
3. Munna Rai @ Munna Prasad Son of Mannu Rai Resident of Mohalla- Elahibag Bairiya, P.S- Gopalpur, Post- Bairia, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Raj Kumar Choudhary, Advocate |
| For the State        | : | Mr. Choubey Jawahar, APP          |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      10-07-2024                      Heard Mr. Raj Kumar Choudhary, learned counsel for the petitioners and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2 namely Niraj Kumar, as he has already been arrested by the police, during pendency of this application. Permission is granted.

3. Accordingly, the instant application as against the petitioner no.2 is dismissed as withdrawn.

4. Now, this application is being heard for



consideration of anticipatory bail as against petitioner no.1 and 3.

5. The petitioners are apprehending their arrest in connection with Gurichak P.S.Case No.750 of 2023, FIR dated 30.12.2023 registered for the offences punishable under Sections 147, 149, 307 of the Indian Penal Code and under Section 27 of the Arms Act.

6. The prosecution case, in short, the petitioners along with other co-accused persons fired upon the informant and nephew of the informant.

7. Learned counsel for the petitioners submits that the petitioner have clean antecedents, they have falsely been implicated in the present case due to admitted land dispute between the parties. From bare perusal of the FIR, it appears that there is no any allegation of assault or overt act or firing against these petitioners rather there is general and omnibus allegations against all the petitioners including these petitioners.

8. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.



9. Considering the aforesaid facts, that the petitioners have clean antecedents and there is no any specific allegations against these petitioners, let petitioner nos. 1 and 3, above named, in the event of their 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 learned Additional Chief Judicial Magistrate, Patna City, in connection with Gaurichak P.S.Case No.750 of 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 bonds 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 antecedents, 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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