

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38988 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- KURTHA District- Jehanabad

Rakesh Kumar @ Rakesh Kumar Ranjan S/o Chandra Vilash Yadav R/o
Village- Bahadurpur, Police station-khiri more, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Birender Kumar, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Kurtha P.S. Case No. 347 of 2023, F.I.R. dated 23.09.2023 registered for the offences punishable under Sections 323, 385, 387, 504, 506, 34 of the Indian Penal Code.

3. According to prosecution case, when the munshi and labout of the brick kiln were sleeping, three miscreants armed with pistol came there and caught hold them and threatened them by telling to say the owner of the brick kiln to withdraw the Case No. 178 of 2023 otherwise he has to pay Rs. 50,000/-

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and on the basis of information furnished by the Clerk of the informant the present F.I.R. was instituted against the petitioner and other co-accused persons. Further submits that the petitioner has been implicated in the present case due to dispute with respect to the JCB Machine and no such occurrence had taken place and co-accused person namely Shiv Kumar against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12461 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedents and the informant is not an eye witness of the alleged occurrence as well as co-accused person against whom the similar allegation has been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IIIrd, Arwal in connection



with Kurtha P.S. Case No. 347 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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