

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39849 of 2024

Arising Out of PS. Case No.-75 Year-2017 Thana- GOPALPUR District- Patna

Bablu Kumar Singh @ Bablu Kumar @ Babloo Kr, S/O Hareram Singh, R/O
Village- Mittan Chak, Udaini, Police Station - Gopalpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bishwajeet Singh, Advocate
For the Opposite Party : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Bishwajeet Singh, the learned counsel

for the petitioner and Ms. Rita Verma, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Gopalpur PS Case No. 75 of 2017, FIR dated
26.05.2017, registered for the offences punishable under
Sections 147, 148, 149 and 307 of the Indian Penal Code read
with Section 27 of Arms Act.

3. According to the prosecution case, while the
informant was going to attend a marriage ceremony, someone
fired on his left leg from behind and thereafter, he again fired on
his right leg and when the informant stood up, he saw co-
accused persons fleeing away.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner and it is evident from the FIR itself that on the basis of suspicion, petitioner has been implicated in the present case. He further submits that although the informant has received the injury, but the injury report of the informant suggests that injury is simple in nature. He lastly submits that the co-accused person namely, Chandan Kumar @ Raviranjn Kumar, against whom there is similar nature of allegation, has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 74883 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, however, he fairly admits on the basis of paragraph no. 3 of the bail petition that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances



and mainly the facts that petitioner has been implicated in the present case merely on the basis of suspicion and a similarly situated co-accused person has been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XIII, Patna, where the case is pending in connection with **Gopalpur PS Case No. 75 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(ii). If the petitioner 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 learned trial Court 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 learned trial Court 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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