

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39509 of 2024

Arising Out of PS. Case No.-570 Year-2023 Thana- BUXAR District- Buxar

1. Guddu Kumar @ Guddu Son of Late Keshav Ram Resident of Ward No. 23, Khalashi Mohalla, Police Station - Buxar Town, District - Buxar
2. Ajay Yadav Son of Banbari Yadav Resident of Nai Bazar, Mathiya More, Police Station - Buxar (T), District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Sanjay Kumar, learned counsel for the petitioners as well as Mr. Mithlesh Kumar Khare, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Buxar (T) P.S. Case No. 570 of 2023, F.I.R. dated 12.10.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 385 and 386 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner threatened the informant for dire consequences and tried to obstruct the construction work which was going on the land of the informant.

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 the petitioners are not named in the F.I.R. and the name of the petitioners has been transpired during investigation on the basis of the confessional statement of the co-accused person. He further submits that from perusal of the F.I.R it appears that the only allegation in the F.I.R is against the co-accused, namely, Bipul Rai who threatened the informant and tried to stop the construction work which was going on the land of the informant. He further submits that the similarly situated co-accused persons, namely, Vikash Kumar Rai, Dev Kumar Thakur and Vimal Kumar Pathak have been granted bail by this Court vide order dated 07.02.2024 passed in Cr. Misc. No. 3915 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, 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, Buxar in connection with



Buxar (T) P.S. Case No. 570 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 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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