

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45881 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Rinki Devi Wife of Sadhu Kumar @ Brajesh Kumar R/O village - Kurmi Pokhar, P.S.- Nabinagar, District - Aurangabad
2. Sadhu Kumar @ Brajesh Kumar Son of Shankar Singh R/O village - Kurmi Pokhar, P.S.- Nabinagar, District - Aurangabad
3. Shankar Singh Son of Late Ramchandra Singh R/O village - Kurmi Pokhar, P.S.- Nabinagar, District - Aurangabad
4. Rajesh Kumar Son of Shankar Singh @ Shankar Chandravanshi R/O village - Kurmi Pokhar, P.S.- Nabinagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Navinagar P.S. Case No. 39 of 2024 for the offence punishable under sections 147, 149, 224, 225, 353, 186, 332, 333, 323, 307, 427, 504, 509 of the I.P.C. lodged on 08.02.2024 by the informant, Rajeev Kumar.

3. As per the prosecution story, the informant alleged that on 07.01.2024, the police officials went to arrest Sadhu Kumar @ Brajesh Kumar (petitioner no. 2) and arrested him. While taking him to the police station, the other accused persons



scuffled with the police and forced them to escape the petitioner no. 2. The allegation is of attacking the police officials which led to injury to the lady constable. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is delay of three days in lodging the FIR and eight persons have been implicated. Further, the allegation against all of them is/are omnibus in nature.

5. Mr. Jitendra Kumar Singh, learned APP, on the other hand, submits that the petitioner no. 2 was an accused in Navinagar P.S. Case No. 218 of 2018 under section 366A/34 of the IPC and section 8 of the POCSO Act in which he has been granted bail. Against others, there is/are no criminal antecedent.

6. Taking into account the submissions put forward by the parties, so far as petitioner no. 2, Sadhu Kumar @ Brajesh Kumar is concerned, it was due to him that the police visited the place, arrested him but due to the other accused persons, he managed to escape. In that background, his anticipatory bail application stands rejected.

7. So far as petitioner nos. 1, 3 and 4 namely, Rinki Devi, Shankar Singh and Rajesh Kumar respectively are concerned, considering the fact that they do not have criminal antecedent and omnibus allegation is there, this Court is inclined



to extend them the privilege of anticipatory bail with conditions.

8. However, if the concerned Court finds that the statement regarding no criminal antecedent of any of the three petitioners is/are incorrect, the relief granted to him/her shall become infructuous.

9. Let the petitioner nos. 1, 3 and 4 namely, Rinki Devi, Shankar Singh and Rajesh Kumar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Aurangabad, in connection with Navinagar P.S. Case No. 39 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner nos. 1, 3 and 4 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1, 3 and 4 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 1, 3 and 4 shall appear before the concerned police station every fortnight for next six months



to mark their attendance;

(iv) the petitioner nos. 1, 3 and 4 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 1, 3 and 4 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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