

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60826 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- GAURICHAK District- Patna

-
1. Chhotu Kumar @ Siv Shankar Paswan S/o Fekan Paswan R/o Bali, P.S.- Gaurichak (Pachrukhiya), District- Patna - 803203
 2. Rahul Ram @ Rahul Kumar S/o Manager Ram R/o Bali, P.S.- Gaurichak (Pachrukhiya), District- Patna - 803203

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandeep Jha

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Gaurichak P.S. Case No. 55 of 2024 for the offence under Sections 399, 402 of the I.P.C. and Sections 25(1 b) (a), 26 of Arms Act. lodged on 02.2.2024 by the informant, Nagendra Kumar.

3. As per the prosecution story, the informant alleged that while he was going to attend the nature's call, the accused persons were sitting and one of them made an inquiry. When the informant answered, Jitendra Ram flashed country made pistol upon him. As he screamed, the villagers assembled, the accused persons escaped.



4. Learned counsel for the petitioner submits that only due to village enmity this exaggerated F.I.R.. Even against Jitendra Ram the allegation is that he flashed the country made pistol without any opening of the fire and injury to the informant. The last submission is that the petitioners do not have any criminal antecedent.

5. Learned APP opposes the prayer submitting that when the petitioner was going to attend the nature's call, the accused persons unnecessarily intercepted and have showed the country made pistol.

6. Allegation is there, F.I.R. lodged. The accused persons will be facing the trial, allegation mainly is against Jitendra Ram, this petitioners do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioners 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 Additional Chief Judicial Magistrate VI, Patna City, in connection with Gaurichak P.S. Case No. 55 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 petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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 petitioners 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)

nirajkrs/-

U		T	
---	--	---	--

