

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67951 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MEHANDIGANJ District- Patna

Ashish Kumar @ Chhotu Kumar @ Chhotu S/o Chandra Sekhar Kewat R/o
Mohalla- Dadaliganj, P.S.- Mehdiganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioner and Mr. Aditya Narayan Singh, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mehdiganj P.S. Case No. 74 of 2024, F.I.R. dated 25.04.2023 for the offences punishable under Sections 323, 341, 307, 379, 354(A), 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner armed with lathi, danda and sickle have assaulted the husband of the informant and also snatched gold ring from the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that due to admitted land dispute between the parties, the present occurrence has taken place. There is no accusation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that the similarly situated co-accused persons, namely, Teju Kumar and Birju Kumar have been granted anticipatory bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 40464 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and the similarly situated accused persons have been granted bail by this Court, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Patna City in connection with Mehdiganj P.S. Case No. 74 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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.
- 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 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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