

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64662 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- MEHANDIGANJ District- Patna

Guddu Kumar Son of Sri Raju Paswan, Resident of - Mehandiganj, P.S.-
Mehandiganj, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhimanyu Deo, Advocate

For the Opposite Party : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Abhimanyu Deo, the learned counsel for
the petitioner and Mr. Syed Mojibur Rahman, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Mehandiganj PS Case No. 163 of 2022, FIR
dated 03.11.2022, registered for the offences punishable under
Sections 147, 148, 149, 323, 341, 307, 354, 379, 427, 504 and
506 the Indian Penal Code and under Section 27 of the Arms
Act.

3. According to the prosecution case, one Golu
Kumar along with sixty unknown persons, variously armed,
assaulted the informant and his family members and firing was
also made during the scuffle, however, no one was harmed. It is
further alleged that Golu Kumar snatched two gold chains of the



informant and the mob also damaged the vehicles parked in the mohalla of informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and there is case and counter case between the parties. He further submits that upon perusal of the FIR, it appears that petitioner is not named in the FIR, even in the FIR, there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that name of petitioner transpired on the basis of disclosure made by one of the witnesses of the present occurrence namely, Manoj Kumar, who has stated that the petitioner along with forty to fifty persons damaged his vehicle.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is no specific allegation of any assault or overt act attributed against him and petitioner was not initially named in the FIR and his name transpired later during investigation, 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 Judicial Magistrate 1st Class, Patna City, where the case is pending in connection with **Mehandiganj PS Case No. 163 of 2022**, 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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