

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67339 of 2024

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

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1. Jitendra Kumar @ Chaitu Son of Sri Tandul Chauhan @ Ramadhar Chauhan,@ Tendul Village- Bali, Ps- Gaurichak, Dist- Patna
 2. Sonu Kumar Son of Sri Tandul Chauhan @ Ramadhar Chauhan@Tendul Village- Bali, Ps- Gaurichak, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Kumar Kaushlendra, learned counsel for

the petitioners and Mr. Mithlesh Kumar Khare, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gaurichak P.S. Case No. 55 of 2024, F.I.R. dated 02.02.2024 for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)(a) and 26 of the Arms Act.

3. According to prosecution case, 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 enquiry. When the informant answered, the petitioner took out country



made pistol from his waist and pointed upon him. As he screamed, the villagers assembled, the accused persons escaped.

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 allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR in fact no such occurrence has taken place. He further submits that the informant has filed a petition before the learned Court below stating therein that the occurrence which happened on the date of occurrence, the informant has not stated clear picture in the FIR and he has only signed on the FIR and also stated that no such occurrence has taken place. He further submits that other co-accused persons, namely, Chhotu Kumar @ Siv Shankar Paswan & Rahul Ram @ Rahul Kumar have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 60826 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., VI, Patna City at Patna City at Patna, Bihar in connection with Gaurichak P.S. Case No. 55 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. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 bonds 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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