

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68013 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- KHIRI MORE District- Patna

Raj Kumar S/o- Chandeshwar Bind Village- Tola Bigha PS-Khirimore
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-12-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 379 and 307 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the instant anticipatory bail has been filed on behalf of Raj Kumar. It is next submitted that Raj Kumar has one brother, whose name is Raja Kumar and Raja Kumar is posted with the Bihar Police. It is next submitted that Raj Kumar had approached the learned Additional Sessions Judge-VI, Danapur, Patna seeking anticipatory bail but in the order dated 05.07.2024, by which, ABP No.1237/2024 was rejected, in the said order the learned



Additional Sessions Judge-VI, Danapur recorded the name of the petitioner as Raja Kumar @ Raj Kumar, when Raja Kumar had not approached the Court for seeking anticipatory bail. It is further submitted that the case was taken up on 03.10.2024, when a learned Co-ordinate Bench had directed the petitioner to file a supplementary affidavit bringing on record the annexure to show that Raj Kumar and Raja Kumar are two entity, he shall be bringing on record the government documents to show the difference. The learned counsel submits that in pursuance of the order dated 13.10.2024, a supplementary affidavit has been filed, wherein the Aadhar card of Raj Kumar and Raja Kumar has been annexed, which amply demonstrates that Raja Kumar and Raj Kumar are two different persons but then are own brothers. It is asserted and submitted that Raja Kumar never moved before the learned District Court seeking anticipatory bail and it was Raj Kumar, who had sought anticipatory bail and even vakalatnama before the learned District Court is of Raj Kumar and not of Raja Kumar.

4. It is further submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that specific allegation of assaulting is against Raja Kumar and not against Raj Kumar.



5. Learned A.P.P. and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that specific allegation of assault is against Raja Kumar and not Raj Kumar but then the learned counsel appearing on behalf of the informant disputes the submission of the learned counsel appearing on behalf of the petitioner and submits that it was Raja Kumar, who had moved the learned District Court, seeking anticipatory bail and it was not Raj Kumar.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khirimore P.S. Case No.79/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting



the bail bonds of the petitioner shall verify from the Vakalatnama filed in ABP No.1237/2024 that whether it was Raja Kumar or Raj Kumar, who had signed the vakalatnama, in the event, if it is found that the Vakalatnama was signed by Raja Kumar, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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