

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74050 of 2024

Arising Out of PS. Case No.-402 Year-2024 Thana- RAFIGANJ District- Aurangabad

1. Gaurav Kumar @ Saurabh Kumar Son of Raj Kumar @ Raju Prasad Resident of Village - Imadpur, P.S. - Rafiganj, District - Aurangabad
2. Golu @ Niraj Raj Chaurasia Son of Late Bindu Prasad Chaurasia Resident of Village - Near Fish Market, P.S. - Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhotu Kumar Son of Sulendra Paswan Resident of Village - Raja Bigha, P.S. - Rafiganj, District - Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv
For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Rafiganj P.S. Case No. 402 of 2024 dated 09.08.2024 registered for the offences punishable u/s 351(2), 324(6), 325, 303(2), 3(5) of the B.N.S. 2023, Section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act and Section 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioners are alleged to have come in intoxicated condition and damaged the auto of the informant with iron rod due to which glass of the



auto got broken and 70 kg of chicks died and they also snatched Rs. 40,000/- in cash from the said Auto which was collected by selling chicks. On being objected, the petitioner started abusing the informant by calling his caste name and try to assault the informant but somehow he managed to save himself.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no concern with the alleged recovery. Learned counsel has further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence no case is made out under section SC/ST Act. Nothing has been recovered from the conscious possession of the petitioners. The petitioner no. 1 has two criminal antecedents whereas the petitioner no. 2 has five criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 10.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioners and the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-



bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Aurangabad, in connection with Rafiganj P.S. Case No. 402 of 2024, with a condition/s:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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