

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74261 of 2024

Arising Out of PS. Case No.-1182 Year-2023 Thana- KHAGARIA District- Khagaria

Prince Kumar son of Rakesh Kumar Singh Resident of village- Jhakhra PS
-Alauli District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Khagaria P.S. Case No. 1182 of 2023, F.I.R. dated 21.11.2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and sections 25(1-b)a and 27 of the Arms Act.

3. As per prosecution case, the accused persons including the petitioner are alleged to have abused and assaulted the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. The allegation as alleged is false and fabricated and the petitioner has not committed any offence



as alleged in the F.I.R. From the perusal of F.I.R., the allegation is found to be general and omnibus in nature against the all the accused persons including the petitioner. The specific allegation of firing is attributed against the co-accused Ankush Kumar and Gaurav Kumar. He further submits that co-accused persons have already been granted anticipatory bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No. 27819 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner is having clean antecedent, there is no specific overt act against the petitioner and co-accused persons have already been granted anticipatory bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No. 27819 of 2024, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of court of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 1182 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with



other following conditions :-

(1) 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.

(2) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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