

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75994 of 2024

Arising Out of PS. Case No.-277 Year-2022 Thana- GAURICHAK District- Patna

1. Prashant Kumar @ Prashant Kumar Dhiraj Son of Jitendra Singh @ Jitendra Kumar Singh @ Ganauri Singh Resident of village- Lanka Kachhuara, P.S.- Gaurichak, Distt- Patna .
2. Tinku Kumar @ Abhayas Kumar Son of Ganesh Singh Resident of village- Lanka Kachhuara, P.S.- Gaurichak, Distt- Patna .

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Gaurichak PS Case No.277 of 2022 dated 08.05.2022, instituted under Sections 147, 148, 149, 341, 323, 504, 353, 332, 333, 338, 307, 354, 427 and 337 of the Indian Penal Code.

3. As per the prosecution case, on account of death of a rickshaw puller, Jitendra Kumar, scuffle between the residents of two villages took place on the date of occurrence and when the police arrived there to maintain law and order, the accused persons named in the FIR, including the petitioners attacked the police party and damaged the police vehicle.



4. Learned counsel for the petitioners submits that FIR has been lodged against 32 accused persons including the petitioners. It is further submitted that there is no specific allegation against the petitioners. Allegations are general and omnibus in nature. It is submitted that 19 co-accused have been granted bail by this Court as well as Co-ordinate Benches of this Court. Further, the similarly situated co-accused, namely, Anand Kumar, Jitendra Singh @ Jitendra Kumar Singh @ Avinash Kumar Singh and Chandan Kumar @ Loha Singh have been granted anticipatory bail by this Court by orders dated 13.12.2023 and 10-07-2024 passed in Cr. Misc. Nos.61685 of 2023 and 28627 of 2024 respectively. Lastly, it is submitted that one criminal case is pending against the petitioners.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Patna City, in Gaurichak PS Case No.277 of 2022, subject to the conditions laid down in Section 438(2) of



the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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