

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81049 of 2023

Arising Out of PS. Case No.-362 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Rakesh Kumar S/O Jitendra Singh Village- Tetriya, Mazirganj, Ps. Udwant Nagar, Dist.Bhojpur
2. Ramaye Kumar S/O Lalan Singh Village- Tetriya, Mazirganj, Ps. Udwant Nagar, Dist.Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr.Raju Kumar Singh, learned counsel for the petitioners and Mr.Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Udwantnagar P.S.Case No.362 of 2023, FIR dated 19.08.2023 registered for the offences punishable under Sections 160 and 353 of the Indian Penal Code.

3. As per the prosecution case, informant alleged that two rival groups were fighting with each other on main road causing nuisance in the public. Two persons were apprehended from the spot from different groups and they disclosed the name of petitioners and other members who managed to flee away.



4. Learned counsel for the petitioners submits that petitioner No.1 carries three more cases other than the present one and petitioner No.2 carries one more case other than the present one and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that co-accused persons, namely, Ajay Kumar @ Ajay Yadav and Prabhans Kumar have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 10.11.2023 passed in Cr. Misc. No.70347 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No.362 of 2023, 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 antecedents, the court below shall take step for cancellation of bail bond 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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