

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80525 of 2023**

Arising Out of PS. Case No.-601 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

HAPPY KUMAR @ MAYANK GAUTAM Son of Santosh Kumar Pandey
R/o vill - Pachkurwa Dighi Purvi, P.S. - Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-01-2024 Heard Mr. Sabal Kumar Jha, learned counsel for the
petitioner and Mr. Amitesh Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Hajipur Sadar P.S. Case No. 601 of 2023, F.I.R. dated 05.08.2023 registered for the offences punishable under Sections 341, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is of firing upon the informant with an intention to kill him which hit on his chest.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the allegation of firing



attributed against co-accused person namely Ishu Singh and as per allegation in the F.I.R. the petitioner has only chased the informant and there is no allegation of any assault or overt act attributed against the petitioner.

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

6. Considering the aforesaid facts that there is no allegation of any assault or overt act attributed against the petitioner and petitioner having clean antecedent, 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 learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 601 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 tampers 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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