

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81021 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- DUMARIYA District- Gaya

1. Rahul Kumar @ Bholu S/O Ajay Prasad Resident Of Village - Salaiya, P.S. - Dumariya, District - Gaya
2. Sanjay Soni Son Of Mauji Saw Resident Of Village - Salaiya, P.S. - Dumariya, District - Gaya
3. Gautam Kumar Son Of Ramshankar Gupta Resident Of Village - Salaiya, P.S. - Dumariya, District - Gaya
4. Shekhu @ Abhishek Gupta Son Of Anuj Prasad Resident Of Village - Salaiya, P.S. - Dumariya, District - Gaya
5. Sonu Kumar Soni @ Sonu Son Of Sanjay Prasad Soni Resident Of Village - Salaiya, P.S. - Dumariya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioners and Mr. Nagendra Prasad, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Dumariya P.S. Case No. 87 of 2023, F.I.R. dated 31.07.2023 registered for the offences punishable under Sections 147, 149, 323, 153(A), 332, 427, 333, 295(A), 353, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they took law in their hand as they have obstructed the police party from discharging their official duty.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents except petitioner no. 4 and the petitioner no. 4 carries one more case other than the present but he is on bail in the pending matter and they have been falsely implicated in the present case. He further submits that the allegation is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the name of the petitioners have been transpired on the basis of disclosure made by local choukidar and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners.

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

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sherghati at Gaya in connection with Dumariya P.S. Case No. 87 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) 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.

(2) If the petitioners 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 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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