

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81360 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

Rupesh Kumar @ Rupesh Rai Son Of Uma Rai @ Uma Ray R/O Bangraha,
Ward No. 7, P.O. - Kancha, P.S. - Vidyapatinar, Distt. - Samastipur, Bihar
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhigyan Kumar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Abhigyan Kumar, learned counsel for the
petitioner and Mr. Syed Ehteshamuddin, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vidhyapati Nagar P.S. Case No. 26 of 2023, F.I.R. dated 20.02.2023 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 353, 333, 332, 427 and 504 of the Indian Penal Code.

3. According to prosecution case, petitioner along with other co-accused persons is said to have attacked on the police party.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the FIR it appears that there is no specific allegation



of any assault or overt act attributed against the petitioner rather than there is general and omnibus allegation against all the accused persons including the petitioner and at best the petitioner is only member of the mob. He further submits that similarly situated other co-accused persons, namely, Nakeshwar Rai and others have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 01.09.2023 passed in Cr. Misc. No. 54578 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Dalsinghsarai Samastipur in connection with Vidhyapati Nagar P.S. Case No. 26 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. 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.

ii. If the petitioner tampers 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 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)

ajay/-

U		T	
---	--	---	--

