

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1458 of 2024

Arising Out of PS. Case No.-317 Year-2020 Thana- CHAUTHAM District- Khagaria

Amrish Kumar, S/O Vivekanand Yadav, Resident of Village- Koyla, P.S. -
Pasraha, Dist Khagariya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Hare Krishna Prasad, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Chautham P.S. Case No. 317 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 307 of the Indian Penal Code and Section 27 of the Arms Act. He has no criminal antecedent.

3. As per the prosecution story, on 18.11.2020 the informant along with his friend was going to a *dhaba* for tea. In the meantime, this petitioner who was already present there with his four friends started arguing with the informant and also assaulted him. After few time, the petitioner returned along with other criminals and assaulted the informant by iron rod and chain. One Kundan Yadav tried to strangulate him by his gamchha and this petitioner snatched his locket. One Prince

Kumar snatched his watch and Jagga Yadav assaulted him by iron rod on his head. When the informant's friend tried to save him, Kundan Yadav fired on him but he somehow escaped.

4. Learned counsel for the petitioner submits that there is no specific allegation of assault against this petitioner. He has clean criminal antecedent. The allegation of firing is upon one Kundan Kumar who is not before this Court.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that there is no specific allegation of assault against this petitioner, he has no criminal antecedent and the co-accused Kundan Kumar against whom there is allegation of firing has been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 71721 of 2022 but the co-accused Lalit Yadav and Jagga Yadav have been granted privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 34393 of 2023, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above-named shall be released on bail in connection with Chautham P.S. Case No. 317 of 2020 on furnishing bail bond of Rs.

25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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