

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2147 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- BEERPUR District- Begusarai

=====

Bikash Kumar @ Bikash Kumar Chaudhary S/OLATE CHHOTE LAL
CHOUDHARY VILL.- BIRPUR, P.S.- BIRPUR, DISTT. BEGUSARAI
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pushpendra Kr. Singh

Ms. Divya Bharti, Advocates

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Anand Prakash, learned counsel for the

petitioner and Mr. Gauri Shankar Gupta, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Birpur P.S. (Dist- Begusarai) Case No. 170 of
2023, F.I.R. dated 27.09.2023 registered for the offences
punishable under Sections 147, 149, 341, 323, 379, 307, 504,
506 of the Indian Penal Code and later on Section 302 of the
Indian Penal Code was added.

3. Petitioner is said to have assaulted the informant
by means of lathi, khanti and rod.

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 F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation of assault is against co-accused persons namely Rahul Kumar and Kailash Sah. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioner and similarly situated co-accused persons namely Hiranman Mahto and Sonu Kumar have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 85943 of 2023.

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

6. Considering the facts and circumstances of the case, 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 Judicial Magistrate 1st Class, Begusarai in connection with Birpur P.S. (Dist- Begusarai) Case No. 170 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.

Ibrar//-

(Rajesh Kumar Verma, J)

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

