

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1813 of 2024

Arising Out of PS. Case No.-290 Year-2023 Thana- DUMRAO District- Buxar

Ashish Kumar @ Golu @ Ashish Ranjan Son of Dharendra Bahadur Singh
Resident of Village- Banahegi Dera, Ward No. 22, Police Station- Dumraon,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Nath, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr.Rahul Nath, learned counsel for the

petitioner and Mr.Nand Kishore Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dumraon P.S.Case No.290 of 2023,FIR dated 13.07.2023 registered for the offences punishable under Sections 147,148,149,323,307,504,506 and 386 of IPC and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant was measuring his land then the petitioner and the co-accused persons came and started abusing and assaulting the informant. It is further alleged that the petitioner assaulted the informant with lathi causing head injury and opened fire on the informant.



Thereafter, the co-accused Gulshan Kumar snatched the gold chain of the informant. It is further alleged that the co-accused Bir Bahadur Singh wrapped rope the informant's neck and pulled and co-accused Harendra Bahadur Singh took out Rs. 1300/- from his pocket. The co-accused Asha Devi and Rabita Devi assaulted the informant with stone and co-accused Satendra Bahadur Singh and the petitioner threatened him of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated the petitioner has not committed any offence as alleged in the FIR. Further submits that as per FIR allegation against the petitioner is that he assaulted to the informant by means of lathi and he has received injury. Learned counsel for the petitioner submits that it appears from the impugned order itself that although the informant has received injury but the nature of injury is simple, there was no intention to assault the informant and there is no repetition of blow and co-accused persons, namely, Satyendra Bahadur Singh, Harendra Bahadur Singh and Bir Bahadur Singh have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.11.2023 passed



in Cr. Misc. No.73250 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S.Case No.290 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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