

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14515 of 2024

Arising Out of PS. Case No.-57 Year-2022 Thana- KOILWAR District- Bhojpur

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Guddu Rai @ Guddu Kumar Son Of Late Bikhari Rai R/O-Jarapur
(Pachrukhiya), P.S.-Koilarwar, Distt.-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-06-2025 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Anuj Kumar Shrivastava, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Koilarwar P.S.Case No.57 of 2022, FIR dated 22.01.2022 registered for the offences punishable under Sections 147, 148, 149, 307, 427, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with other co-accused persons after forming a gang made altercation with another group for becoming mafia in illegal lifting of sand.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case and from a bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioner. It appears from the FIR that there are 27 named and 30-35 unknown persons in the FIR and the petitioner may be a member of the mob. Further submits that similarly situated co-accused persons, namely, Brahmdeo Rai, Mugal Rai, Gupta Roy, Kallu Rai, Anil Rai and Ajay Singh have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 10.02.2023, 01.11.2023, 12.01.2024 and 27.09.2024 passed in Cr. Misc. No. 3172 of 2023, Cr. Misc. No.68879 of 2023, Cr. Misc. No.84498 of 2023 in Cr. Misc. No.3311 of 2023, Cr. Misc. No.71298 of 2024 in Cr. Misc. No.54165 of 2024 respectively.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner. Apart from that, the petitioner has seven criminal antecedents, and he fairly submits that on the basis of supplementary affidavit, the petitioner is on bail in six cases out of seven cases.

6. Considering the aforesaid facts and the fact that there is no specific allegation against the petitioner and several



co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court, 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 C.J.M., Bhojpur at Ara or Concerned Court Bhojpur at Ara in connection with Koilwar P.S.Case No.57 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/under Section 482(2) of the B.N.S.S., 2023 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at



any stage, it is found that the petitioner has concealed his 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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