

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5145 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- KOILWAR District- Bhojpur

-
1. Md. Nihar @ Md. Nehal Son of Abdul Ejaj @ Abdul Aziz Resident of Village - Kacichak, P.S. - Koilwar, District - Bhojpur
 2. Kamlesh Rai @ Kamlesh Kumar Son of Raghubansh Rai Resident of Village - Amnabad, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-02-2025 Heard Mr. Gopal Govind Mishra, learned counsel for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest connection with Koilwar P.S. Case No. 445 of 2024, F.I.R. dated 11.11.2024 registered for the offences punishable under Sections 191(2), 190, 132, 324(4), 352 of the Bhartiya Nyaya Sanhita, 2023.

3. Allegation against the petitioners is that they along with other co-accused persons gathered at the place where a truck rashly and negligently crushed the victim who died at the spot and started shouting slogans against the police and they resisted police force to discharge its duties. It is further alleged



that the accused persons used criminal force against the police officials and damaged some vehicles.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired during investigation in the present case on the basis of disclosure made by local choukidar. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against these petitioners and the petitioners have been made accused merely on the basis of disclosure made by local choukidar.

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

6. Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Koilwar PS. Case No. 445 of 2024, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. 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.

3. 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 petitioners have concealed their 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)

Ibrar//-

U			
---	--	--	--

