

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8172 of 2025

Arising Out of PS. Case No.-235 Year-2023 Thana- GORAUL District- Vaishali

Om Prakash Kumar S/O- Late Lallu Mahto, R/o Village- Katarmala, PS- Goraul, Dist- Vaishali. A/P- R/o village- Ladaura, PS- Kudani, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr. Ashok Kumar, the learned counsel for the petitioner and Mr. Md. Iftekhar Mahmood, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Goraul PS Case No. 235 of 2023, FIR dated 06.06.2023, registered for the offences punishable under Sections 302 and 323 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, after an altercation with the informant, the co-accused persons assaulted informant's son and grand son and later killed informant's grand son by pressing his neck.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is allegation that all the co-accused persons including the petitioner had killed the grand son of the informant by pressing his neck, however, the *post-mortem* report of the grand son of informant does not support the allegation levelled in the FIR and in fact, informant is not the eyewitness to the alleged occurrence. He lastly submits that the co-accused person namely, Deepak Kumar, against whom there is similar nature of allegation, has been granted the privilege of anticipatory bail by this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 85686 of 2023 and another co-accused person namely, Sawan Kumar has also been granted the privilege of anticipatory bail by this Court vide order dated 13.12.2024 passed in Cr. Misc. No. 72623 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is



no specific allegation of any assault or overt act, the medical report does not support the allegation levelled in the FIR and similalry situated co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur, where the case is pending in connection with **Goraul PS Case No. 235 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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