

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15265 of 2025

Arising Out of PS. Case No.-777 Year-2022 Thana- GAURICHAK District- Patna

Rahul Kumar @ Illu Singh Son of Ramakant Singh Resident of Village-Shekhpora, P.S.- Gaurichak, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2025 Heard Mr. Abhay Kumar, learned counsel for the petitioner as well as Mr. Raj Kishor Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak P.S. Case No. 777 of 2022, F.I.R. dated 22.11.2022 for the offences punishable under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner armed with weapons went to the house of the informant and started firing indiscriminately. It is further alleged that they also threatened the informant with dire consequences to withdraw the earlier complaint.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. No such occurrence has taken place as mentioned in the FIR. He further submits that from a bare perusal of the F.I.R it appears that there is no specific allegation of firing attributed against this petitioner and apart from that the complaint instituted by the informant against this petitioner has already been disposed of in favour of the petitioner on 25.10.2022 and present FIR was instituted on 22.11.2022, so, the ground taken by the informant in the FIR is false and fabricated. It is further submitted that similarly situated co-accused persons, namely, Gulshan Kumar Singh and Ranvir Kumar Singh @ Raju Singh have been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 11.07.2023 passed in Cr. Misc. No. 23733 of 2023, co-accused person, namely, Chandan Patel @ Chandan Kumar has been granted privilege of anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 26.07.2023 passed in Cr. Misc. No. 36856 of 2023 and co-accused, namely, Laxman Kumar @ Lakshman Prasad Singh has been granted privilege of anticipatory bail by



a co-ordinate Bench of this Hon'ble Court vide order dated 11.07.2023 passed in Cr. Misc. No. 21869 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of firing attributed against the petitioner, the case as mentioned in the FIR has been disposed of prior to the lodging of the present FIR and similarly situated co-accused persons have been granted privilege of anticipatory bail by the co-ordinate Benches 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 the learned A.C.J.M.,-II, Patna City in connection with Gaurichak P.S. Case No. 777 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the



BNSS, 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 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 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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