

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13661 of 2025

Arising Out of PS. Case No.-290 Year-2023 Thana- TEKARI District- Gaya

Abhishek Kumar S/O Ashok kumar Resident of village- Nishurpur, P.S.-
Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Sanjay Kumar Sharma, learned counsel
for the petitioner, learned counsel for the Informant and Mr.
Vinod Shanker Modi, learned Additional Public Prosecutor for
the State.

2. The petitioner is apprehending his arrest in
connection with Tekari P.S. Case No. 290 of 2023, F.I.R. dated
05.05.2023 for the offences punishable under Section 341, 323,
324, 308, 379, 354, 504, 506/34 of Indian Penal Code & Section
27 Arms Act.

3. As per the First Information Report, the informant
alleged that on 22.04.2023 when he was milking in his cow
shed, the petitioner along with other accused persons arrived
and started abusing and assaulted him by means of *lathi, danda,*



iron rod and pistol. In the meantime the petitioner opened fire upon his son and he escaped narrowly. When his daughter-in-law came to rescue, the accused persons tried to outrage her modesty.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case and both the parties are agnate to each other. There is case and counter case between the parties. As per allegation in the FIR the petitioner fired upon the son of the informant but he escaped and thereafter the allegation against other accused persons is that they molested the daughter of the informant. He further submits that there is one probate case no.-101/2022 which is pending before the District Judge, Gaya on behalf of the petitioner and his brother. Although the petitioner is having four criminal antecedents but all the cases have been lodged by the informant and his family members against the petitioner.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner. He further submits that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending



matters and there is specific allegation against the petitioner.

6. Considering the aforesaid facts and circumstances, there is case and counter case between the parties and due to previous case the present occurrence has taken place, let the petitioner, above named, in the event of 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 Additional Chief Judicial Magistrate-VI, Gaya in connection with Tekari P.S. Case No. 290 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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