

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62098 of 2025

Arising Out of PS. Case No.-173 Year-2024 Thana- GHOSI District- Jehanabad

Vijay Prasad S/o- Late Baramdeo Prasad Village- Dhampur PS-Ghoshi Distt-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-09-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

3. The learned counsel for the petitioner submits that
at Para-3, it has been specifically pleaded that petitioner has
antecedent of two cases, but then, in both the cases, the
petitioner was acquitted.

4. In view of the submissions made by the learned
counsel appearing on behalf of the petitioner, the defect as
pointed out by the office is hereby ignored.

5. It is next submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the informant with an iron rod is against Anish Kumar, while petitioner is alleged to have pointed pistol at the informant. Further, the accused persons also looted articles from the house. Further, on account of assault, the informant received injury on head.

6. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of assaulting the informant is against Anish Kumar. It is further submitted that though petitioner is alleged to have pointed pistol at the informant, but then, FIR has not been instituted under the Arms Act.

7. Learned A.P.P. Mr. Rabindra Kumar opposes the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on **provisional anticipatory bail** on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad in connection with Ghoshi P. S. Case No.173



of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with further condition that one of the bailors of the petitioner shall be his son namely, Surendra Kumar.

9. The application stands allowed.

10. It is made clear that the learned trial Court after accepting the provisional anticipatory bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of only two cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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