

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62543 of 2025

Arising Out of PS. Case No.-311 Year-2022 Thana- GHORASAHAN District- East
Champaran

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Vivek Kumar S/o Ramesh Rai R/o Village- Baswariya, P.S.- Ghorasahan,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Ghorasahan P.S. Case No. 311 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 353, 307 of the Indian Penal Code.

03. As per prosecution case, when the police party went to conduct a raid on the house of co-accused Punjabi Rai, the petitioner and other co-accused persons raised alarm and called the villagers and attacked the police party. They tried to snatch the rifle and ammunition of the police and assaulted the local *chowkidar*.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not present at the spot and has been made accused in this case due to his criminal antecedent. There is general and omnibus allegation against all the accused persons including this petitioner. No specific over act has been attributed to the petitioner. Learned counsel further submits that the petitioner has not caused any obstruction in execution of Government duty nor has made any murderous attack. So, no case under Section 307 and 353 of IPC is made out against the petitioner. Out of 12 FIR named accused persons, 7 persons have been granted anticipatory bail by a Co-ordinate Bench vide order dated 03.05.2023 passed in Criminal Misc. No. 1597 of 2023. Learned counsel further submits that the petitioner is having antecedent of 10 cases and is in custody since 05.08.2024. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and omnibus allegation against the petitioner and other co-accused persons and further considering the period of custody of the petitioner along with submission of charge-sheet,



the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarahana at Dhaka, East Champaran/court concerned in connection with Ghorasahan P.S. Case No. 311 of 2022, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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