

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74871 of 2024

Arising Out of PS. Case No.-514 Year-2019 Thana- RUPASPUR District- Patna

Rahul Kumar Son of Sachchidanand Kumar R/o Vill.- Pahleja, P.S.-
Mehandia, Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anurag Pandey, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Anurag Pandey, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rupaspur P.S. Case No. 514 of 2019, F.I.R. dated 0512.2019 for the offences punishable under Sections 147, 148, 149, 341, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, two customer who were present in informant's restaurant had a quarrel with one waiter and when the informant tried to pacify the matter then 5 more persons came and started nuisance and opened fire in the sky due to which informant's father received injury on his left arm and chest.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the suspicion and except the suspicion, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused, namely, Amit Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 25825 of 2021.

5. Learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has transpired during investigation as mentioned in different paragraphs in the case dairy 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 that the petitioner is not named in the F.I.R and his name has



been transpired on the basis of suspicion and the co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court, 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 II, Danapur in connection with Rupaspur P.S. Case No. 514 of 2019, 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 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)

Vanisha/-

U		T	
---	--	---	--

