

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74466 of 2024

Arising Out of PS. Case No.-844 Year-2022 Thana- FATUA District- Patna

Vikash @ Bantha @ Bikesh Kumar @ Vikash Kumar S/O Ravindra Prasad
Singh @ Ravindra Singh R/O Village- Baruna, P.S- Fatwa, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78960 of 2024

Arising Out of PS. Case No.-844 Year-2022 Thana- FATUA District- Patna

Dhanesh Kumar @ Dhanesh Singh son of Jagmohan Singh Village- Balwa
Police Station -Fatuha District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74466 of 2024)
For the Petitioner/s : Ms.Puja, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 78960 of 2024)
For the Petitioner/s : Ms.Anjana, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Ms.Puja, learned counsel for the petitioners,

Mr.Satyendra Prasad, learned Additional Public Prosecutor for

the State(Cr.Misc.No.74466 of 2024) and Mr.Surendra Prasad

Singh, learned Additional Public Prosecutor for the State

(Cr.Misc.No.78960 of 2024).

2. The petitioners are apprehending their arrest in



connection with Fatuha Case No.844 of 2022, FIR dated 19.11.2022 registered for the offences punishable under Sections 323,341,307 and 34 of IPC and Section 27 of the Arms Act.

3. As per prosecution case, due to sound box issue, an altercation took place between two different groups and 50 rounds of firing made because of that villagers were in atmosphere of fear. Petitioner is member of one of said groups.

4. Learned counsel for the petitioners submits that petitioner, namely, Vikash @ Bantha @ Bikesh Kumar @ Vikash Kumar carries one more case other than the present one and petitioner Dhanesh Kumar @ Dhanesh Singh has clean antecedent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or allegation of firing attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and co-accused persons, namely, Sarvjeet Kumar and Anil Kumar, against whom the similar allegation, have been granted privilege of anticipatory bail by this Court vide order dated 01.11.2023 passed in Cr.Misc. No.70479 of 2023, co-



accused persons, namely, Doman Kumar and Pancham Kumar, have been granted privilege of anticipatory bail by this Court vide order dated 10.11.2023 passed in Cr.Misc. No.70367 of 2023 by a Coordinate Bench of this Hon'ble Court.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, there is no specific allegation of any assault or firing against the petitioners and several co-accused persons have been granted privilege of anticipatory bail by this Court, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned ACJM, Patna City, Patna in connection with Fatuha Case No.844 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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