

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1033 of 2025

Arising Out of PS. Case No.-34 Year-2022 Thana- JAMUI District- Jamui

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Baban Kumar @ Rakesh Raj @ Rakesh Rawat S/O Sadanand Rawat R/O
Vill. - Sirchand Nawada, P.s - Jamui, Dist- Jamui. Permanent Address- R/O/V-
Amba, P.s- Jamui, Dist- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K.Lal, Sr.Advocate
	:	Mr.Umesh Prasad, Advocate
For the Opposite Party/s	:	Ms.Meena Singh, APP
For the informant	:	Mr.Dinkar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2025 Heard Mr. S.K.Lal, learned senior counsel

 appearing for the petitioner, Mr.Dinkar Kumar, learned

 counsel for the informant and Ms.Meena Singh, learned

 Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jamui P.S. Case No.34 of 2022, dated 31.01.2022 registered for the offences punishable under Sections 341,323,324,325,326,307,506 of IPC and Section 27 of Arms Act.

3. According to prosecution case, on 28.01.2022 when the informant was returning to his home in the way daughter of Sadanand Rawat namely Soni Kumari came in the



way and stopped him. At same time there reached Sadanand Rawat, Raja Kumar and Baban Kumar and surrounded the informant Sadanand Rawat fired over right side of the chest then the informant fallen on the ground. In such fallen situation accused Raja Kumar fired on informant and by that injured over his right arm. After this also accused Baban Kumar fired over informant but by chance informant got saved. In fallen condition Soni Kumar assaulted with bricks by which knee of informant got fracture.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous enmity between the parties. Although there is specific allegation against the petitioner that he fired upon the informant but the same did not hit to the informant and the police, after investigation, submitted final form in favour of the petitioner but the learned court below has taken cognizance vide order dated 12.05.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that after the cognizance order, the process under Section 82 of Cr.P.C. has been issued against the petitioner



and thereafter the learned court below had also issued the order against the petitioner. Learned counsel for the petitioner has annexed the entire ordersheet of the learned court below which suggests that no execution report of warrant and even no execution report of process under Section 82 Cr.P.C. is available on the record which suggests that even any time process under Section 82 of Cr.P.C. has been issued against the petitioner and apart from that, after issuance of the aforesaid process, the petitioner has evaded the arrest. He has relied upon the order dated 06.09.2024 passed in Cr.Misc.No.16818 of 2024 passed by a Coordinate Bench of this Hon'ble Court and has come to the conclusion that even after issuance of process under Section 82 of Cr.P.C., the anticipatory bail is maintainable and a Coordinate Bench of this Hon'ble Court has relied upon a number of judgments of the Hon'ble Apex Court. Learned counsel for the informant submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned J.M.-1st Class, Jamui in connection with Jamui P.S. Case No.34 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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)

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