

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3534 of 2025

Arising Out of PS. Case No.-446 Year-2024 Thana- BRAHMPUR District- Buxar

Vikash Gupta @ Vikash Kumar Gupta @ Aditya Kumar Gupta Son of Late
Rama Shankar Gupta Resident of Village - Brahmpur, P.S. - Brahmpur,
District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Arun Kumar Gupta, learned counsel
for the petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Brahmpur P.S. Case No. 446 of 2024, F.I.R dated 10.10.2024 registered for the offences punishable under Sections 190, 191(2), 352, 251(2), 304(2), 115(2), 127(2) and 109(1) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, when the informant was cutting his hair in the saloon then this petitioner along with other accused persons came there and brutally assaulted the informant by means of lathi and danda and also abused him.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case due to village politics. He further submits that it appears from the F.I.R that although the petitioner is named in the F.I.R, but the specific allegation of assault is against the co-accused persons, namely, Prince Rai and Chandan Rai and there is general and omnibus allegation against this petitioner that he along with other accused persons have also assaulted the informant.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against this petitioner rather there is general and omnibus allegation against all the accused persons including this petitioner, 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 Chief Judicial Magistrate, Buxar in connection with Brahmpur P.S. Case No. 446 of 2024, 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)

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