

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58330 of 2019**

Arising Out of PS. Case No.-58 Year-2019 Thana- MOHIUDDIN NAGAR
District- Samastipur

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1. ANKIT KUMAR S/o Satyendra Kumar @ Pappu Kumar Resident of Village- Mohiuddinagar, P.S.- Mohiuddinagar, District- Samastipur.
 2. Shubham Kumar S/o Jitendra Poddar @ Madho Sah Resident of Village- Mohiuddinagar, P.S.- Mohiuddinagar, District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Prem Prakash Poddar, Advocate.
For the Opposite Party: Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 326, 307, 379 of the Indian Penal Code registered in connection with Mohiuddin Nagar P.S. Case No. 58 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the F.I.R. has been instituted as many as 9 named and 15-20 unknown persons. The accusations of assault are general and omnibus and are not corroborated by the injury report which discloses only two injuries on the body of the informant's son who is said to have been assaulted by all the



accused persons breaking the victim's jaw. Similarly situated co-accused Aman Sah @ Aman Kumar has been granted anticipatory by this Court by order dated 13.09.2019 in Cr. Misc. No. 57546 of 2019. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Mohiuddinnagar P.S. Case No. 58 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the



event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bonds, that the informant's son has not sustained grievous injury by way of fracture of his jaw. In case grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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