

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24078 of 2022

Arising Out of PS. Case No.-672 Year-2021 Thana- BARHARA District- Bhojpur

1. Shekhar Kumar Singh @ Shekhar Singh S/o Late Ram nath Singh Resident of Vill - Durga Tola, P.S. - Barhara (Krishnagarh), Dist.- Bhojpur.
2. Bhim Singh @ Anant Singh S/o Late Ram Nath Singh Resident of Vill - Durga Tola, P.S. - Barhara (Krishnagarh), Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 341, 323, 325, 307, 504 and 34 of the Indian Penal Code.

According to prosecution case, in brief, is that one Satendra Singh gave his written report on 26.11.2021 before the police and stating therein that on 22.11.2021 while he was returning to his house in the way both the petitioners assaulted him. It is further stated that the petitioner no.1 has assaulted him by lathi which hit on his hand and palm and petitioner no.2



assaulted him by Dab on his head due to that he became unconscious and accused persons thrown him at road side.

Learned counsel for the petitioners submits that petitioners no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent and they have falsely been implicated in the present case. He further submits that as per allegation the petitioners have assaulted the informant by means of Lathi and Danda. He further submits that the doctor has found five injuries the person of informant and out of five injuries four injury is simple in nature and injury no.5 is grievous and it is not on vital part of the body. He further submits that the medical report of the doctor is dated 21.11.2022 who is before the date of occurrence.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.2 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Barhara (Krisnagarh) P.S. Case No. 672 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. 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.

2. 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.

3. 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)

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