

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34090 of 2021**

Arising Out of PS. Case No.-232 Year-2020 Thana- ATHMALGOLA District- Patna

1. Chhotu Kumar Son Of Krishna Singh @ Krishna Kumar
2. Salendra Singh @ Shailendra Singh Son Of Chanchal Singh
3. Krishna Singh @ Krishna Kumar Son Of Chanchal Singh
4. Gautam Kumar Son Of Salendra Singh @ Shailendra Singh
5. Gaurav Kumar Son Of Salendra Singh @ Shailendra Singh  
All R/O Village- Fulelpur, P.S.- Athmalgola, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      09-06-2022              Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel for the petitioners submits that during pendency of this anticipatory bail application, petitioner Nos.1 and 3 have been arrested and as such, the present bail application has become infructuous. Accordingly, the learned counsel for the petitioners seeks permission to withdraw this application insofar as petitioner Nos.1 and 3 are concerned.

Permission is accorded.

Accordingly, this application stands dismissed as



withdrawn in respect of petitioner Nos.1 and 3.

Heard learned counsel for petitioner Nos.2,4 and 5 and the learned A.P.P. for the State.

Petitioner Nos.2,4 and 5 are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,447,448,341,323,307,379,504,34 of IPC.

The prosecution case, in short, is that on 21.09.2020 at about 10 AM all FIR named accused persons with two unknown miscreants entered into the house of the informant and started filthy language. Accused Chhotu Kumar armed with pistol assaulted on informant and also Gautam Kumar assaulted on the informant. Further that local people pacified the matter. On 22.09.2020 when informant reached Phoolpur School for registration then Chhotu Kumar, Gaurav Kumar and Gautam Kumar beat the informant by means of Lathi, Danda and snatched Rs.400/- and also Chhotu Kumar, with the intention to kill, put his Gamchha on the neck of informant.

Learned counsel for the petitioners submits that petitioner Nos. 4 and 5 have clean antecedent and petitioner No.2 carries one more case other than the present one. Learned counsel for the petitioners submits that petitioner Nos.2,4 and 5 have falsely been implicated in the present case. In fact the main



allegation against petitioner-Chhotu Kumar is that he put his Gamchha on the neck of the informant with intention to kill the him. He further submits that there is no specific allegation against these petitioners. There is general and omnibus allegation against all the accused persons including the petitioners.

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

Considering the facts and circumstances of the case, let petitioner Nos.2,4 and 5, 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 court below where the case is pending in connection with Athmalgola P.S.Case No.232 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds 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.

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 antecedents, 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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