

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25965 of 2022

Arising Out of PS. Case No.-658 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. Abhishek Kumar @ Tinku S/O Dudheshwar Kumar @ Dudheshwar Yadav R/o village- Khaira, P.S.- Daudnagar, District- Aurangabad.
2. Sanjay Kumar S/o Dawarika Prasad @ Dawarika Yadav R/o village- Khaira, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-11-2022 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 Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in short, is that F.I.R. named accused persons including the petitioners herein and 4-5 unknown persons caught hold the informant Anurag Kumar Sharma and started assaulting him with the butt of the pistol as a result he sustained injury below right eye as well as on head. All the accused started pressing the neck of the informant with an



intention to kill him and Abhishek Kumar @ Tinku opened fire on the informant but did not hit him.

Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case due to village politics. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners. He further submits that there is specific allegation against the petitioner no.1 Abhishek Kumar who fired upon the informant. He further submits that the entire story is false and concocted and the injury report of the informant suggest that the injury is simple in nature.

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

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) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Daudnagar P.S. Case No. 658 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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