

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34057 of 2021

Arising Out of PS. Case No.-357 Year-2020 Thana- SONEPUR District- Saran

1. RISHABH GUPTA @ CHHOTU KUMAR @ CHHOTU SAH Son of Mohan Sah Resident of Village - Shikarpur, P.S.- Sonepur, Distt.- Saran
2. Santosh Sah @ Santosh Kumar @ Santosh Kumar Sah Son of Late Prem Kishore Sah Resident of Village - Shikarpur, P.S.- Sonepur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Krishna Kr. Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The petitioners are said to have assaulted the informant by knife causing injury on his left shoulder and left leg.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and has falsely been implicated in this case. He further submits that there is land dispute between the



parties and on account of same, these petitioners have been named in this case. He further submits that although there is allegation of assault by giving knife blow upon the informant is attribute to petitioner No.1 but no injury report is available on record to support the allegation against the petitioners. Therefore, no offence attraction Section 307 of the IPC is made out against any of the petitioners. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for bail of the petitioners but learned counsel for the informant fairly submits that no injury report is available on record.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of his 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 learned Court below where the case is pending in connection with Sonapur P.S. Case No. 357 of 2020, 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 investigation 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 canceled 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 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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