

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41218 of 2022

Arising Out of PS. Case No.-178 Year-2020 Thana- LAKHNAUR District- Madhubani

1. SANJAY SAFI S/o Mithu Safi R/o village- Berma, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
2. Dukhan Safi S/o Mongal Safi R/o village- Berma, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
3. Suresh Safi S/o Mongal Safi R/o village- Berma, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani
4. Ram Kumar Safi S/o Ghuran Safi R/o village- Berma, P.S.- Lakhnaur (R.S.O.P.), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 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, 325, 308, 504, 506 and 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant and his companions with deadly weapons due to which they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits



that the present case is a counter blast of Lakhnaur (RSOP) P.S. Case No. 155 of 2020 filed by petitioner No. 3 against the informant and his family members. He further submits that as a matter of fact the occurrence took place 02.07.2020 whereas the F.I.R. has been lodged on 18.07.2020 after lapse of 15 days without explaining the delay. He further submits that it appears from the F.I.R. itself that the allegation levelled against the petitioners are general and omnibus in nature. He further submits that though the injuries are said to be grievous in nature but the injury report is of 10.08.2020 which is prepared after one month of the occurrence. Hence, the petitioners may be granted the privilege of anticipatory bail.

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 the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Lakhnaur (R.S.O.P.) P.S. Case No. 178 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 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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