

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41256 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- KASHICHAK District- Nawada

1. Vibhuti Narayan S/O Rajeshwari Prasad Singh Resident of Village- Rewara P.S.- Kashichak (Shahpur O.P), District- Nawada.
2. Sanjeev Kumar S/O Masudan Singh Resident of Village- Rewara P.S.- Kashichak (Shahpur O.P), District- Nawada.
3. Mantu Singh S/O Madan Singh Resident of Village- Rewara P.S.- Kashichak (Shahpur O.P), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State in the Virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 379, 504 and 34 of the Indian Penal Code .

As per prosecution case, Informant's Combine Harvester Model-Kartar Engine was parked near his house and on 31.03.2022 Vibhuti Narayan along with Sanjeev Kumar and



Mantu Singh came there and started taking away his harvestor. On hearing sound of vehicle informant came out and saw that Vibhuti Narayan as taking his harvestor by driving it when he told him to stay then Vibhuti Narayan abused and told to shoot him, and thereafter Sanjeev Kumar and Mantu Singh pointed pistol on his temple and told him to flee away otherwise shoot him and both were punched him, and after that they fled away with the harvestor.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that all the allegations levelled against the petitioners are concocted and absurd and in fact the alleged occurrence is apparent, the date of occurrence is 31.03.2022 but the present FIR was instituted on 14.04.2022 after delay of 14 days without any explanation of delay. He further submits that nothing has been recovered from the conscious possession of the petitioners.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, 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/- (Rupees 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 Kashichak (Shahpur O.P.) P.S. Case No. 85 of 2022, 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 witness, 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 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)

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