

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42655 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- BELDOUR District- Khagaria

1. Shanti Devi W/o Ajay Kumar Sharma R/o village- Bhela Naubad, P.S.- Beldaur, District- Khagaria
2. Anita Devi W/o Janardan Sharma R/o village- Bhela Naubad, P.S.- Beldaur, District- Khagaria
3. Saurabh Kumar S/o Ramesh Sharma R/o village- Bhela Naubad, P.S.- Beldaur, District- Khagaria
4. Apash Kumar @ Appas Kumar @ Anjan Kumar S/o Janardan Sharma R/o village- Bhela Naubad, P.S.- Beldaur, District- Khagaria
5. Sunita Kumari @ Smita Kumari D/o Ashok Sharma R/o Village- Near Midil School Navjaliya, Navatoliya (Bhimri), Birbas, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 342, 307, 448, 427, 380 and 504 of the Indian Penal
Code.



According to prosecution case, 17 accused persons including the petitioners attacked at the house of informant with variously armed and assaulted his family members with lathi and rod. They took out Rs. 3,40,000/- and ornaments of worth Rs. 1,75,000/-.

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 it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that there is no specific allegation of assault or overt act or snatching ornaments etc, against the petitioners.

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 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 the learned Court below where the case is pending in connection with Beldaur P.S. Case No. 184 of 2021, 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 his 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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