

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43245 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- CHANAN District- Lakhisarai

1. Wakil Kumar Son Of Sobelal Yadav @ Sovelal Yadav R/O Village-Nagardar, P.S.- Chhanan, District- Lakhisarai
2. Chhotu Kumar Son Of Rambalal Yadav @ Ramwalak Yadav R/O Village-Nagardar, P.S.- Chhanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, 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.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 353, 354(B), 332, 333, 307 and 34 of the Indian Penal Code.

According to the prosecution, during the patrolling duty informant got information that in Manpur Market near Shiv Mandir Temple 10-15 boys are misbehaving and outraging the modesty of the female on getting this information, the informant along with armed forces proceeded towards Manpur Market



near Shiv Mandir and reached there at 8 P.M. and saw that 10-15 boys are misbehaving and outraging the modesty of the female then the informant and raiding party tried to disperse the caught boys then those boys suddenly assaulted upon the armed force, Pappu Kumar in order to take his life, assaulted him with fits and slaps then the informant along with armed forces and local chawkidar Pawan Kumar tried to stop the boys but they didn't obey and became angry and started scuffling with one police force. During scuffle informant with the help of police caught one boy who discloses his name as Akhilseh Kumar and after asking he discloses names of all the accused persons including the petitioners. All these accused persons have assaulted on police party and obstructed the police force in maintaining law and order.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the confessional statement of the co-accused namely Akhilesh Kumar and the allegations against the petitioners are totally false and concocted, in fact the petitioners were not present and the petitioners have no concern at all with the alleged occurrence and there is no allegation of any assault or any overt act against



these petitioners.

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

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 or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chanan P.S. Case No. 114 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, his 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 antecedents, the Court below shall take step for cancellation of bail bonds 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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