

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45243 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- TEKARI District- Gaya

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1. Akhileshwar Prasad Singh @ Akhil Son Of Mahadeo Sharma
 2. Deepak Kumar @ Rintu Son Of Akhileshwar Prasad Singh @ Akhil
 3. Manish Kumar @ Deepu Son Of Akhileshwar Prasad Singh @ Akhil
- All are R/O Village- Belhadiya Kisan Talkies, P.S.-Tekari, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Mishra, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 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.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,504,506,307/34 of IPC.

The prosecution case, in short, is that the informant alleges that on 21.08.2021 the petitioners were digging up a pit on the public road which the informant objected and then the petitioners abused and assaulted him on head with Kudal and



Khanti continuously. When Kavi Pandey, Ravi Pandey, Ajay Sharma reached there then accused Maneesh Kumar ran towards them holding a pistol and rod and also assaulted Kavi Pandey.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that there is admitted land dispute between the parties and there is case and counter case and there is general and omnibus allegation against these petitioners. Further submits that no specific allegation of assault or overt-act is there against these petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

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 (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 Takari P.S. Case No. 415 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 bonds 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.

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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