

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46802 of 2022

Arising Out of PS. Case No.-713 Year-2021 Thana- MADHAURAH District- Saran

1. Satish Kumar Son of Lalan Singh, R/o Village- Deo Bahuara, P.S.- Marhowra, District- Saran.
2. Prince Kumar Son of Randhir Singh, R/o Village- Deo Bahuara, P.S.- Marhowra, District- Saran.
3. Vishwajeet Singh @ Vishwajeet Kumar Singh Son of Ram Ekbal Singh, R/o Village- Bahuara Patti, P.S.- Marhowrah, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 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 apprehend their arrest in a case registered for the offences punishable under Section 147, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant Sujay Kumar Singh has filed this case against the petitioners as named in the F.I.R. and ten others as unknown alleging therein that on 09.12.2021 when he was going to

Rajgawan from his house, on the way, all the accused persons came on motorcycles and surrounded him and hurling abuses petitioner Vishwajeet Singh caught hold of him and petitioner Satish Kumar and Prince Kumar attacked with knife causing injuries on his head and left side of abdomen. When he fell down, petitioner Prince took out gold chain from his neck and petitioner Vishwajeet took out Rs.5,000/- from his pocket.

Learned counsel for the petitioners submits that petitioner no.1 and 3 have clean antecedent and petitioner no.2 has one criminal antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons who assaulted the informant. He further submits that the injury report of the informant as opined by the doctor is found simple in nature.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.2 carries one criminal antecedent other than the present one.

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 of 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 Marhowrah P.S. Case No. 713 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, their 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 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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