

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58343 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- MURLIGANJ District- Madhepura

1. LALIT SAH @ LALTU SAH @ LALIT KUMAR Son of Late Satya Narayan Sah R/V- Sahuriya, Ward no. 7, P.S- Jankinagar, Dist- Purnea
2. Kundan Sah @ Kundan Kumar Son of Late Madari Sah R/V- Sahuriya, Ward no. 7, P.S- Jankinagar, Dist- Purnea
3. Nakho Sah @ Ganesh Sah @ Nakho Son of Gurudeo Sah R/V- Sahuriya, Ward no. 7, P.S- Jankinagar, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar.

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 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 Sections 341, 323, 324, 307, 325, 379, 504, 506, 34 of the Indian Penal Code.

According to prosecution case, on 13.04.2022 in daytime, the petitioners and other FIR named co-accused persons encircled the brother of informant Awadhesh Sah nearby Gaushala Chowk, Murliganj and they assaulted brutally with Lathi-Danda causing injury on all over his body including the head. There is also allegation of snatching a cash of Rs.10,000/-



from the pocket of the brother of informant Mithilesh Sah, namely, Awadhesh Sah as well as a wrist watch worth Rs.5000/- and gold chain worth Rs.35000/- and mobile phone torched too.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused person including the petitioners and there is no specific allegation of any assault or overt act against the petitioners. He further submits that due to medicine shop the present occurrence took place and it appears from the F.I.R. that it is not clear that who assaulted the informant.

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 within a period of four weeks, be released on anticipatory 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 Murliganj P.S. Case No. 179 of 2022, 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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