

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57411 of 2022

Arising Out of PS. Case No.-238 Year-2022 Thana- MOTIPUR District- Muzaffarpur

1. Rakesh Singh @ Mantun Singh Son of Late Braj Kishore Singh R/O Village- Hardi, P.S- Kathaiya, District- Muzaffarpur.
2. AJit Kanlar @ Ajit Kumar Son of Anand Mohan Singh R/O Village- Hardi, P.S- Kathaiya, District- Muzaffarpur
3. Vikram Kumar Singh Son of Late Devendra Singh R/O Village- Hardi, P.S- Kathaiya, District- Muzaffarpur
4. Akhilendra Singh Son of Late Rajnandan Singh R/O Village- Hardi, P.S- Kathaiya, District- Muzaffarpur
5. Md. Safik Son of Aziz Mian R/O Village- Bagwara, P.S- Kathaiya, District- Muzaffarpur
6. Devendra Kumar Son of Late Chanderaket Singh Resident of Village- Mathwa, P.S- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, A.P.P.
For the Informant	:	Mr. Gagan Deo, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State in virtual court proceeding.

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 341, 323, 307, 379, 353, 504, 506/34 of the Indian Penal Code.



According to prosecution case, on the basis of written complaint given by Panchayat Sachiv, Panchayat Raj-Jahangirpur Thikha, Motipur. It is alleged that at the relevant time, informant was sitting in the chamber of Block Development Officer, Motipur, in the meantime, Rakesh Singh @ Mantun Singh, Mukhiya of Gram Panchayat Raj Hardi along with other accused named in the F.I.R. came and dragged him from the said chamber and assaulted him, causing serious injury. The informant was taken to P.H.C., Motipur where from he was referred to S.K.M.C.H. Muzaffarpur. It is further alleged that earlier also, Rakesh Singh threatened the informant for killing, for which, Sanha was lodged in Kathaiya P.S.. It is further alleged that the accused persons also snatched golden chain and cash from the informant and tore the documents.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is direct allegation of assault or overt act against the co-accused namely Rakesh Singh and there is general and omnibus allegation against these petitioners. He further submits that there is no specific allegation of any assault or overt act against these petitioners.



The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that there is no specific allegation against these 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 Motipur P.S. Case No. 238 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)

mdrashid/-

U		T	
---	--	---	--

