

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57361 of 2022

Arising Out of PS. Case No.-33 Year-2020 Thana- SAKATPUR District- Darbhanga

1. Vishundeo Singh Son Of Late Baleshwar Singh @ Bale Singh
 2. Ambedkar Kumar Singh Son Of Sri Vishundeo Singh
 3. Pintu Kumar Singh @ Pintu Kumar Son Of Sri Vishundeo Singh
 4. Munmun Kumar Singh @ Munmun Singh Son Of Sri Vishundeo Singh
 5. Shail Kumari Wife Of Sri Vishundeo Singh
 6. Sarita Kumari Wife Of Ambedkar Kumar Singh
- All are R/O Village- Kakodha, P.S.- Sakatpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 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 341,332,353,504 and 34 of IPC.

The prosecution case, in short, is that on 29.05.2020 in course of patrolling duty the informant proceeded for making



enquiry on the application of Bhikho Prasad Singh and upon arriving at the place so indicated in the application the accused Vishundeo Singh, Pintu Kumar Singh, Ambedkar Kumar Singh, Munmun Kumar Singh, Shail Kumari, Sarita Kumari were found tilling the land with tractor and putting up thatched wall on the land so farming subject matter of complaint of said Bhiko Prasad Singh. It is alleged that the informant objected the same and stated them to stop the work but the accused persons got enraged and dared him not to stop them. It is further alleged that when the informant tried to convince them then they started abusing him and caught collar of the guard so accompanying the informant. It is further alleged that the women so present alongwith accused persons also started abusing the police party. The further prosecution case is that the accused persons thereafter started brick-batting on police vehicle.

Learned counsel for the petitioners submits that the petitioner Nos.2,5 and 6 have clean antecedent. Petitioner Nos.1 carries eight more cases. Petitioner No.3 carries seven more cases. Petitioner No.4 carries six more cases. Further submits that the present FIR has been instituted on the basis of the so called complaint petition filed before the police by one Bhiko Prasad Singh, in pursuant to that, the informant has lodged the



present FIR against the petitioners and their family members. Learned counsel for the petitioners submits that the present case is false and fabricated and Bhiko Prasad Singh is an imposture, who has filed the so called complaint before the police and it has come during investigation that Bhiko Prasad Singh is a fictitious person. Further submits that the allegation as alleged in the FIR is general and omnibus.

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

Considering the aforesaid facts, 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 Sakatpur P.S. Case No. 33 of 2020, 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)

Nitesh/-

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