

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60909 of 2022

Arising Out of PS. Case No.-404 Year-2020 Thana- BAHERA District- Darbhanga

1. SHAMBHU ROY @ SHAMBHU NATH ROY @ RAMANJEE S/O RAM SUNDAR ROY Resident of village- Dharora, P.S.- Bahera, District- Darbhanga.
2. VIKASH ROY @ VIKASH KR. ROY @ LALU ROY S/O RAM SUNDAR ROY Resident of village- Dharora, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 447, 341, 323, 324, 308, 504, 506, 380 and 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant and his brother by way of Tangadi, Farsa and Khanti on their head resultantly they sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is land dispute between the parties and account of that scuffle took place between them in which both the parties have sustained injuries



for which case and counter case have been lodged by the parties. He further submits that altogether three attempts of assault with different sharp edged weapons on the head of the informant is alleged but the injury report suggest that the informant has sustained only one injury and no other injuries have been found on the persons of the injured and it is not clear that as to who has inflicted the single injury to the informant. Hence, the injury report does not corroborate with allegations levelled in the F.I.R. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries two more cases whereas the petitioner No.2 carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Bahera P.S. Case No. 404 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

brajesh/-

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

