

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59182 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. TRIBHUWAN PANDEY @ TRIBHVAN PANDEY Son of Late Rajendra Pandey
 2. Sujit Kumar Pandey Son of Shivaji Pandey
Both Resident of village - Darhia, Asadhar, P.S.- Angarghat, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 504,506 of IPC and 4 of the Witch Practice Act.

The prosecution case, in short, is that the allegation is that all the petitioners dragged the complainant and petitioner No.1 branded the complainant daain and petitioner No.2 and other accused persons administered mud to the complainant due to which complainant became senseless.

Learned counsel for the petitioners submits that petitioner No.2 has clean antecedent. Petitioner No.1 has got



one criminal antecedent. They have falsely been implicated in the present case. Further submits that the allegation as alleged in the complaint petition is false and fabricated. Further submits that due to installing the electri Poll some dispute has arisen and for this M.R. No.565 of 2022 initiated by the learned Sub Divisional Officer, Dalsingsarai under Section 107 of IPC and it appears that the date of occurrence as alleged in the complaint petition is 11.04.2022 but the present complaint petition has been filed on 05.05.2022 after delay of about 24 days without giving any reason for delay. Further submits that it appears that there is general and omnibus allegation.

Learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against both 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 C.R.No.155 of 2022,



T.R.No.823 of 2022, 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)

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