

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59550 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Dilip Singh @ Dileep Kumar Sharma S/o Late Shiv Dahin Singh, Resident Of Village- Satamas, P.S.- Khizersarai (Sarbahda O.P.), District- Gaya.
2. Anuj Singh S/O Late Shiv Dahin Singh Resident of village- Satamas, P.S.- Khizersarai (Sarbahda O.P.), District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and 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, 354, 379, 506 and 34 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant Nipur Devi alleging therein that on 07.07.2022 at about 7 hours she told to accused Dilip Singh to remove the cow dung from her door then the accused persons Dilip Singh



and Anuj Singh assaulted with lathi and bamboo and accused Dilip Singh also slammed her and snatched golden chain from her neck worth Rs.50,000/- and pulled her sari, accused Anuj Singh caught her hair and slammed her and they always threatening to kill her.

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 admitted land dispute between the parties and a Partition Suit No. 07 of 2022 is going on between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation of any assault or overt act against the petitioners.

The learned Additional Public Prosecutor for the State 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 Khizersarai (Sarbahda O.P.) P.S.



Case No. 241 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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