

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2553 of 2022

Arising Out of PS. Case No.-105 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. KISHORI SAO @ NANHKA Son of Late Dasharath Sao Resident of Village- Budhgere, P.S.- Muffasil, District- Gaya.
2. Sanjay Sao Son of Late Dasharath Sao Resident of Village- Budhgere, Police Station- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three 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 u/s 147, 148, 149, 448, 341, 323, 436, 427, 379, 307, 506 of the Indian Penal Code and 27 Arms Act.

As per the prosecution case, petitioners along with 250 unknown miscreants attacked the house of the informant and started firing indiscriminately and started assaulting with



intent to kill them and also took away the valuable articles from the house of the informant. Two co-accused persons set two tractors, two trolleys and a motorcycle on fire and the co-accused persons again attacked the house of the informant and set the house on fire which caused damage to the property of the informant.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. No incriminating material has been recovered from the place of occurrence. There is a five-days delay of lodging the FIR. Learned counsel has further submitted that the petitioner, Kishori Sao has also lodged an FIR in Muffasil P.S. Case No. 99 of 2020 against the two sons of the informant and the other accused persons for committing murder of his son. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

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

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Muffasil P.S. Case No. 105 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a condition.

1.The court below shall verify the criminal antecedent of the petitioners and at any stage, if 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.

This application stands allowed.

(Chandra Prakash Singh, J)

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