

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14379 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- SAKRI District- Madhubani

1. Shivkant Das S/O Late Suraj Das R/v- Shankarpur, Surkunda, P.S.- Sakari, District- Madhubani
2. Nunu Kumar Das S/O Shivkant Das R/v- Shankarpur, Surkunda, P.S.- Sakari, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Sakari P.S. Case No. 213 of 2022 registered for the offences punishable under Sections 341, 504, 323, 324, 325, 307, 354/34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 15.10.2022 at 06:00 P.M., when the informant and his brother Navin Kumar returned from work, they saw that all the accused persons including these petitioners were abusing the parents of the informant. On protest, co-accused Vimal Kumar Das gave khanti blow on the head of the informant, thereafter, when the parents of the



informant came to rescue him, the accused persons assaulted his father and mother. It is alleged that the accused persons disrobe the mother of the informant and the accused Nunu Kumar Das (petitioner no. 2) assaulted the brother of the informant on his head by iron rod. It is also alleged that Shivkant Das (petitioner no. 1) assaulted the mother of the informant on her head by brick.

Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the injury report is not substantiating the allegations.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the informant has alleged that he was assaulted by Khanti by co-accused Vimal Kumar Das and by petitioner no. 2 also on his head but the injury report enclosed with the petition is showing only one lacerated wound on the occipital area of Ranjit Kumar Das, the allegation against petitioner no. 1 is that he had assaulted the mother of the informant but has received simple injury, the submission being that it is a case of false implication of the petitioners and the injury report is not



substantiating the allegations, this Court directs that the petitioners above named, who have otherwise no criminal antecedent, in case of their arrest or surrender within a period of four weeks from today, be released on bail in connection with Sakari P.S. Case No. 213 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Madhubani, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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