

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18348 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- ROSERA District- Samastipur

1. Sumit Jajodiya @ Sumit Kumr Jajodiya Son of Santosh Jajodiya @ Santosh Kumar Jajodia R/V- Dhab, Ward no. 15, PS- Rosera Dist- Samastipur
2. Sujeet Jajodiya @ Sujeet Kumar Jajodiya @ Sujit Jajodiya @ Manki son of Santosh Jajodiya @ Santosh Kumar Jajodia R/V- Dhab, Ward no. 15, PS- Rosera Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-06-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Rosera P.S. Case No. 360 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioners submits that as per first information report the petitioner no.1 has caused incised wound over left side of abdomen on the person of the informant. It is also alleged that he had caused the said injury by penetrating knife in the stomach of the informant. It is submitted



that so far as petitioner no.2 is concerned, he seems to have been falsely implicated by alleging that he has put a pistol on the temporal region of the informant and on seeing the same the informant tried to escape. It is further submitted that there is no allegation of firing or causing any injury upon the informant by petitioner no. 2.

Learned counsel for the informant though opposed the prayer for anticipatory bail of the petitioners but it is not disputed that so far as petitioner no. 2 is concerned, he has not caused any overt act.

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

Having regard to the facts and circumstances of the case, there being specific allegation of causing overt act against petitioner no.1, this Court is not inclined to grant privilege of anticipatory bail to the petitioner no. 1.

The prayer for anticipatory bail of the petitioner no. 1 is, thus, refused.

So far as petitioner no. 2 is concerned, this Court, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs.25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Rosera, District Samastipur in connection with Rosera P.S. Case No. 360 of 2022, subject to the condition 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 petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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