

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37461 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- HABIBPUR District- Bhagalpur

1. Ravindra Kumar @ Surendra Kumar, S/o Sitaram Yadav, R/o Village- Sardarpur, PS. Madhusudanpur (Nathnagar), Dist. Bhagalpur
2. Bulbul Kumar, S/o Sri Yadav R/o Village- Sardarpur, PS. Madhusudanpur (Nathnagar), Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 05-07-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Habibpur P.S. Case No.61 of 2023, registered for the offences punishable under Sections 341, 323, 353, 332, 337, 427, 307, 279, 506, 147, 148, 149 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that on 06.05.2023 at around 9:30, the informant/Sailesh Kumar/ ASI, Habibpur Police Station, while going to investigate a case, reached near Aliganj Road, two unknown



persons dashed the informant due to which he sustained injury. Moreover, they entered into argument and the accused persons called 7-8 more persons and assaulted the informant.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged injury sustained by the informant is simple in nature. He also submits that no weapon of assault has been recovered from the physical possession of the petitioners.

He further submits that the petitioners have been languishing in jail since 07.05.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner no.1 has been made accused in one other case whereas petitioner no.2 has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. J M 1st Class-cum-Addl. Munsif, Bhagalpur in connection with Habibpur P.S. Case No.61 of 2023 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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