

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43019 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- AKHODHIGOLA District- Rohtas

1. AWADH BIHARI SINGH Son of Late Raghuvansh Singh
 2. Vikash Kumar Singh @ Sandeep Kumar Son of Awadh Bihari Singh
 3. Vishambhar Singh @ Piyush Kumar @ Vishambhar Kumar Singh Son of Awadh Bihari Singh
- All are Resident of Village - Karkatpur, P.S.- Akorhigola, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mr.Krishna Prasad Singh, learned senior counsel appearing for the petitioners, learned counsel for the informant and Mr.Kumar Veerendra Narayan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Akorhigola P.S.Case No.182 of 2022, FIR dated 27.12.2022 registered for the offences punishable under Sections 307,323,324,379,147,148,149,341,504 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant alleges that on 26.12.2022 when he alongwith his family was sitting at the temple, 12 named accused persons including the



petitioners came and started abusing them. Thereafter alleged that specific allegation against petitioner, namely, Vikash Kumar was armed with pistol and iron rod and petitioner No.3, namely, Vishambhar was armed with sword and assaulted the informant causing injury on his head. Petitioner No.1, namely, Awadh Bihari Singh assaulted to Lali Kumari with *Khatpatwari* causing injury on her head.

4. Learned counsel for the petitioners submits that petitioner No.1 carries two more cases and petitioner No.3 carries one more case other than the present one. Petitioner No.2 has clean antecedent. They have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and as per allegation in the FIR, petitioner Nos.2 and 3 have assaulted to the informant on his head but the injury report of the informant suggests that he has received simple injury and petitioner No.1 has assaulted to one Lali Kumari and the injury report of Lali Kumari also suggests that she has also received simple injury. Learned counsel for the petitioners submits that there was no intention to kill the injured person and due to spur of moment, the present occurrence had taken place.



5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against these petitioners that they have intentionally assaulted to the informant and his family members.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, I/C, Dehri, Rohtas in connection with Akorhigola P.S. Case No.182 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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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