

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41100 of 2023**

Arising Out of PS. Case No.-60 Year-2023 Thana- SAHEBPUR KAMAL District- Begusarai

1. NITISH KUMAR Son of Hare Ram Paswan Resident of village - Sanha Kashinathpur, P.S.- Sahebpur Kamal, District - Begusarai (Bihar).
2. Sanjeev Kumar Son of Pawan Paswan Resident of village - Sanha Kashinathpur, P.S.- Sahebpur Kamal, District - Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Adv

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      06-09-2023              Heard learned counsel for the petitioners and the learned  
APP for the State.

2. The petitioners are apprehending their arrest in connection with Sahebpur Kamal P.S., Case No. 60 of 2023, registered for the offence punishable under Sections 341, 323, 307, 354(B), 448, 379, 504 and 34 of the Indian Penal Code.

3. As per allegation in the First Information Report ( for brevity 'FIR'), the petitioners have come to the informant's house armed with iron rod and stick and started abusing and have indiscriminately assaulted him.

4. The learned counsel for the petitioners submits that against the petitioners, there is no specific assault attributed. A



superficial allegation has been made against petitioner no. 1 of taking away Rs. 1 lakhs, which was lying in a bag at the place of occurrence. The petitioners have clean antecedent and even as per the injury report, the informant and his family members have sustained minor injuries. The allegation of assault and disrobing is on the other co-accused persons.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the fact that specific allegation of assault has not been alleged against the petitioners and the nature of injury, which has been found during the course of investigation, and clean antecedent of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 the learned A.C.J.M. IV, Begusarai, in connection with Sahebpur Kamal P.S., Case No. 60 of 2023, subject to the conditions as



laid down in Section 438(2) of the Code of Criminal Procedure  
as also the following conditions:

(i) That one of the bailors  
will be a close relative of the  
petitioners who will give an affidavit  
giving genealogy as to how he is  
related with the petitioners. The bailor  
will also undertake to inform the court  
if there is any change in the address of  
the petitioners.

(ii) That the petitioners will  
be well represented on each date and if  
they fail to do so on two consecutive  
dates, their bail bond will be liable to  
be cancelled.

**(Madhuresh Prasad, J)**

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