

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41125 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- BACHHWARA District- Begusarai

1. Avishant Kumar S/O Ram Sundar Sharma Residence Of Village- Jhumatiya Bhagwanpur, Ps. Bachhwara, Dist. Begusarai
2. Avinash Kumar S/O Ram Sundar Sharma Residence Of Village- Jhumatiya Bhagwanpur, Ps. Bachhwara, Dist. Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bachhwara P.S. Case No. 96 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the FIR, the allegation against the petitioners is that they along with other accused persons variously armed came at the house of the informant and started abusing her. On objection, co-accused Chirag Kumar assaulted the informant's daughter on her head. It is alleged that when the informant's son came to rescue her, petitioner no. 1 assaulted



him with kudal on his hand.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the injuries are simple in nature.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that there is allegation of assault against Avishant Kumar (petitioner no. 1) but the injury allegedly caused is said to be simple in nature as per observation of learned Sessions Judge in the impugned order, there is no specific allegation against petitioner no. 2 and both the petitioners have no criminal antecedent, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Bachhwara P.S. Case No. 96 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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