

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46115 of 2023

Arising Out of PS. Case No.-407 Year-2022 Thana- NAWANAGAR District- Buxar

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1. SANJAY BIND @ SANJAY PRASAD Son of Lallu Bind @ Lalu Bind
 2. AKSHAYLAL BIND Son of Late Lalan Bind
- Both are Resident of village - Basudeva (Bind Toli), P.S. - Nawanagar,
Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-10-2023 Heard Mr.Amit Kumar Pandey, learned counsel for
the petitioners and Mr.Ram Sevak Choudhary, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nawanagar (Basudeva O.P.) P.S.Case No.407 of 2022, FIR dated 02.12.2022 registered for the offences punishable under Sections 147,148,149,341,323,504,307 of the Indian Penal Code , later on added Section 302 of IPC in which the chargesheet has been submitted under Sections 147,148,149,341,323,302,504,506,120B of IPC.

3. The prosecution case, in short, is that the informant alleges that on 01.12.2022 FIR named 09 accused persons



including the petitioners suddenly by abusing invaded against father and family members of informant with intention to kill, resulted which his father and sister sustained badly injury in which his father got critical condition, and he anyhow fled away by saving his life. During treatment, his father succumbed to death.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against both the petitioners and even the informant has not suggested in the FIR that who has assaulted whom. Further submits that the police, after investigation, submitted final form in favour of the petitioners but the learned Trial Court differing with the police report has taken cognizance against the petitioners vide order dated 24.04.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that it appears from the FIR itself that there is no accusation of any assault or overt-act attributed against both the petitioners.



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 Chief Judicial Magistrate, Buxar in connection with Nawanagar (Basudeva O.P.) P.S. Case No.407 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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