

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43573 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- HUSSAINGANJ District- Siwan

1. RUPESH KUMAR SAH @ SUJEET KUMAR SAH @ SUJEET KUMAR
Son of Kanhaiya Sah Resident of village - Balli Tola, P.S. - Hussainganj,
Distt. - Siwan
2. Rahul Sah @ Rahul Kumar Son of Ganesh Sah @ Rameshwar Sah Resident
of village - Balli Tola, P.S. - Hussainganj, Distt. - Siwan
3. Nipu Sah @ Nippu Kumar Sah Son of Gappu Sah Resident of village - Balli
Tola, P.S. - Hussainganj, Distt. - Siwan
4. Ravindra Sah @ Ravindra Kumar Sah Son of Dasharath Sah Resident of
village - Balli Tola, P.S. - Hussainganj, Distt. - Siwan

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s	:	Dr.Uma Shankar Prasad, Sr. Advocate Mr.Kamala Kant Tiwary, Advocate
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned senior 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 Hussainganj P.S. Case No. 65 of 2023 registered for the offences punishable under Sections 341, 342, 323, 363, 379, 504, 506 & 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that on 29.03.2023 at 7:00 A.M. when his grand-son was



going to Siwan to attend his computer class by Bus, in between Saraiya – Hathaura at Chalkhpur More, five persons got the Bus stopped and forcibly got down his grand-son and taken away on motorcycle and assaulted him in his waist by knife. All the accused persons assaulted him by hockey stick also and snatched a golden chain worth Rs. 25,000/-. It is alleged that on hearing cry of Aman Kumar Sah the nearby people came there and saved him, thereafter all the accused persons fled away.

4. Learned senior counsel for the petitioners submits that petitioners have been falsely implicated in this case due to ulterior motive and previous enmity. Learned counsel submits that the alleged occurrence took place on 29.03.2023 and the grand-son of the informant had returned home on the same day.

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

6. Having regard to the submission that the alleged occurrence took place on 29.03.2023 and the grand-son of the informant had returned on the same day, the informant claims to have met the petitioner no. 1 who is in his relation, but the F.I.R. has been lodged only on 05.04.2023 impleading three other persons who are petitioner nos. 2 to 4 in the present case alleging that they had come to the house of the informant and



had threatened him, in the nature of the vagueness of the allegations and the delay as also the petitioners have no criminal antecedent, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 65 of 2023, 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.

(Rajeev Ranjan Prasad, J)

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