

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45436 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- NTPC District- Patna

1. HARE RAM SINGH S/O DUKHIT SINGH R/O VILLAGE- MADATPUR, PS. N.T.P.S. (BARH), DIST. PATNA
2. RAJA KUMAR S/O SANJAY SINGH R/O VILLAGE- MADATPUR, PS. N.T.P.S. (BARH), DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with N.T.P.S. (Barh) P.S. Case No. 65 of 2023 for the offence registered under sections 341, 323, 307, 324, 326, 379, 504 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 28.04.2023 by the informant, Awadhesh Singh.

As per the prosecution story, the allegation is that when the informant was in his field, the accused persons came there and further allegation is that while petitioner no. 1 on the point of pistol wanted him to pay Rs. 10,000/-, upon protest, Sanjay Singh assaulted on his head causing severe injuries on his eyes as also head. Further, allegation against the petitioner no. 2 is of snatching gold chain. He were rushed to the PMCH,. Accordingly, the FIR.



Learned counsel for the petitioners submit that from the FIR itself main allegation is against Sanjay Singh of assault causing injuries to the informant. So far as these petitioners are concerned, only to implicate them the exaggerated FIR attributing one or the other role to him.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that his one of the family member, Sanjay Singh assaulted causing injuries on his eyes and head.

Considering the fact that the main allegation is against Sanjay Singh of assault, both the petitioners do not have criminal antecedent, they have not been alleged to have assaulted the informant, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail 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. Barh, Patna in connection with N.T.P.C. (Barh) P.S. Case No. 65 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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