

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48297 of 2023

Arising Out of PS. Case No.-105 Year-2023 Thana- NARHATT District- Nawada

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1. Ajay Singh Son Of Sitaram Singh Resident Of Village- Saidapur, Ps- Narhat, Pin 805122, Dist- Nawada
 2. Chinku Singh @ Chinku Kumar Son Of Ajay Singh Resident Of Village- Saidapur, Ps- Narhat, Pin 805122, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar, Advocate Mr. Vivek Kumar Sinha, Advocate
For the Informant	:	Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the State	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Ashutosh Kumar, learned counsel for the petitioners, Mr. Birendra Kumar, learned counsel for the informant and Mr. Parmanand Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehended their arrest in connection with Narhat P.S. Case No.105 of 2023, F.I.R. dated 09.03.2023 registered for the offence punishable under Sections 341, 323, 354(B), 307, 379, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is of outrage the modesty of the informant's daughter-in-law when she was going to the market. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in the present case and for the same occurrence in Narhat P.S. Case No.106 of 2023 was also instituted against the petitioners and thereafter a counter case was also instituted from the petitioners side i.e. Narhat P.S. Case No.108 of 2023. He further submits that from bare perusal of the FIR, the allegations against these petitioners is that they have assaulted the daughter-in-law of the informant and they have also assaulted to the Anuj Kumar who is son of the informant. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that from perusal of the injury report of the Anuj Kumar, injuries are simple in nature caused by hard and blunt substance and Babita Devi has also received one injury and the injury is also simple in nature caused by hard and blunt substance and the case which is pending against the petitioners i.e. Narhat P.S. Case No.106 of 2023 arises from the same occurrence.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand have vehemently opposed the prayer for anticipatory bail of the petitioners stating



that there is direct allegation against the petitioners and the bail application of these petitioners in connection with Narhat P.S. Case No.106 of 2023, the bail application of the petitioner, namely, Chinku Singh has been rejected vide order dated 19.09.2023 in Cr. Misc. No.46656 of 2023 and the bail petition of the Ajay Singh has been allowed by the same order.

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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nawada in connection with Narhat P.S. Case No.105 of 2023 , 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 their anticipatory 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 anticipatory 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)

Prakash Narayan

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