

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2318 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- SHEKHPURA District- Sheikhpura

1. Diwakar Prasad @ Diwakar Prasad Singh @ Divakar Prasad Singh Son Of Parmeshwar Prasad Resident Of Village/Mohalla - Gola Road Jai Jawan Jai Kisan, Sheikhpura, P.S. And District - Sheikhpura
2. Subham Kumar @ Subham Kumar Son Of Diwakar Prasad @ Diwakar Prasad Singh @ Divakar Prasad Singh Resident Of Village/Mohalla - Gola Road Jai Jawan Jai Kisan, Sheikhpura, P.S. And District - Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 342, 323 and 307 read with 34 of the Indian Penal Code.

As per prosecution case, the allegations against the petitioners are of abusing and assaulting the son of the informant.



Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. There is case and counter case between the parties. Learned counsel further submitted that injury No. 1 is on non-vital part of the body whereas injury No. 2 and 3 does not show the proper dimension of the said injury. The doctor has not opined about the nature of injuries. The injury No. 4 is swelling and the injury No. 5 shows unconsciousness.

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

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sheikhpura in connection with Sheikhpura P.S. Case No. 254 of 2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with a condition:-

1. The court below shall verify the criminal



antecedent of the petitioners and at any stage, if 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.

This application stands allowed.

(Chandra Prakash Singh, J)

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