

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49882 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- ISHUPUR BARAHAT District- Bhagalpur

1. Mahendra Poddar
2. Sarwan Poddar @ Sharwan Poddar
Both are Sons Of Sumeshwar Poddar
3. Pinki Poddar @ Pinki Devi Wife Of Mahendra Poddar
All Resident Of Village - Jurawanpur, P.S. - Ishipur (BARAHAT), District - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr.Ashutosh Kumar, learned counsel for the

petitioners and Mr.Prem Kumar Jha, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ishipur (Barahat) P.S.Case No.07 of 2023, FIR dated 15.01.2023 registered for the offences punishable under Sections 341,323,504,506,379,307,34 of the Indian Penal Code.

3. Allegation against the petitioners is that they came to the house of the informant having Lathi in their hands and started abusing which was objected by the informant upon which petitioner No.1 assaulted on her head with rod by saying



that her husband has filed a case against him before Sarpanch and threatened him to withdraw the case otherwise her whole family would be finished. Thereafter, she fell down on the ground and her ear ring snatched by petitioner No.3.

4. Learned counsel for the petitioners submits that the petitioner Nos.2 and 3 have clean antecedent and petitioner No.1 carries one more case other than the present one but he has been acquitted from the charges as alleged in the pending FIR. Further submits that the petitioners have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against petitioner Nos.2 and 3 and there is allegation against petitioner No.1 that he assaulted with iron rod to the informant but there is no repetition of blow and there was no intention to kill the informant and injury report suggests that although she has received injuries but both the injuries are simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of 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 A.C.J.M.-XII, Bhagalpur in connection with Ishipur (Barahat) P.S. Case No.07 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 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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