

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60378 of 2023

Arising Out of PS. Case No.-345 Year-2022 Thana- JAKKANPUR District- Patna

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1. Pankaj Kumar @ Bengali S/O Manoj Ray
 2. Manoj Ray @ Manoj Yadav S/O Bajrangi Ray
- All are R/O Mohalla- Batukeshwar Dutt Lane Road, Jakkanpur, Ps. Jakkanpur, Dist. Patna- 800001.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranaya Shankar Sinha, Advocate
For the Opposite Party/s : Md. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jakkanpur P.S. Case No.345 of 2022, F.I.R. dated 11.07.2022 registered for the offence punishable under Sections 323, 341, 504, 506, 379/34 of the IPC.

3. Allegation against the petitioners are that he along with other co-accused persons abused and pushed the husband of the informant due to which he received injuries on various parts of the body.

4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in the present case and the present case is counter blast of Jakkanpur P.S.Case No.344



of 2022 filed by the wife of the petitioner no.2 against the informant and another family members. Further submits that from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that the co-accused persons, namely, Rikki Kumar has been granted privilege of anticipatory bail by this Court vide order dated 29.11.2023 in Cr. Misc. No.75620 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that petitioner no.1 has carries one cases and petitioner no.2 has carries two cases other than the present one, but fairly submits that the petitioners are on bail in all the pending cases, as mentioned in para-3 of the anticipatory bail petition.

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 A.C.J.M.,VIII, Patna in connection with Jakkanpur P.S.



Case No.345 of 2022, 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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