

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56987 of 2023

Arising Out of PS. Case No.-382 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. Nikhil Patel
 2. Vishal Patel @ Vishal Kumar
Both are S/O Sri Vijay Kumar Patel @ Bhanu Patel
Both are R/O Village- Barai Tola, Ward No. 03, P.S And Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard Mr.Dhramveer, learned counsel for the

petitioners and Mr.Satya Nand Shukla, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalganj Town P.S.Case No.382 of 2023, FIR dated 21.05.2023 registered for the offences punishable under Sections 341,323,307,324,379,506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith others stopped the informant and Vikash Kumar @ Vikky and shown him arms and told to give money otherwise he will be killed. Specific allegation against petitioner No.1 is that he inflicted knife blow on the head of Vikash Kumar @ Vikky



Kumar due to which blood was oozing from his head. Further allegation against petitioner No.2 and others is that they snatched Rs.8400/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is specific allegation against co-accused person, namely, Abhishek Sharma that he assaulted to the informant by means of knife on his head and he has received injury. Thereafter, petitioner No.1 has also assaulted with knife blow to Vikash Kumar @ Vikky Kumar. Learned counsel for the petitioners submits that although petitioner No.1 has assaulted to Vikash Kumar @ Vikky Kumar but the injury report of Vikash Kumar @ Vikky Kumar suggests that although he has received five injuries but all the injuries received by Vikash Kumar @ Vikky Kumar are simple in nature caused by hard and blunt substance but as per allegation against petitioner No.1 in the FIR is that he assaulted with knife blow to Vikash Kumar @ Vikky Kumar.

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 Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No.382 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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