

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58051 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- SALIMPUR District- Patna

1. Kumar Chandan @ Chandan Kumar Son Of Ravindra Singh Resident Of Village - Benipur, Ps- Salimpur, Distt- Patna
2. Ajit Kumar @ Ajit Singh Son Of Ravindra Singh Resident Of Village - Benipur, Ps- Salimpur, Distt- Patna
3. Ravindra Singh Son Of Ram Khelawan Singh Resident Of Village - Benipur, Ps- Salimpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 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 Salimpur P.S. Case No.110 of 2023, F.I.R. dated 12.05.2023 registered for the offence punishable under Sections 147, 148, 149, 186, 307, 323, 325, 332, 333, 337, 338, 353 & 504 of the Indian Penal Code.

3. The prosecution case, in short, is that informant proceeded to arrest named accused of Salimpur P.S. Case 240 of 2022 with his police team, where the police team had allegedly arrested the petitioners of the present case, who were attempting to run away after seeing police team, but at the same time all the



male and female family members attacked the police team with stick and rocks, and took away the arrested accused, by causing injury to the police. Further anticipating the breach of peace and law and order, the senior officers and police station was informed in this regard, and when they reached there, they were started stone pelting from the terrace, upon which the police team entered from backdoor, but accused again ran away. Further alleged that three women were arrested who were obstructing public servants to perform their duties, and the case against seven other were registered under relevant sections of the Indian Penal Code.

4. Learned counsel for the petitioners submit that petitioners are innocent and they have falsely been implicated in the present case. He further submits that as per allegation made in the FIR the petitioners and other co-accused persons have attacked the police team and the police team got injured. He further submits that from perusal of the FIR, it appears that there is no accusation of any assault or overt act attributed against the petitioners, rather there are general and omnibus allegations against all the accused persons including the petitioners who attacked the police personnel. Further submits that the petitioners have been made accused in other cases and at the



instance of one Binod Singh due to one land belongs to the petitioners and for that the Title Partition Suit No.10 of 2021 is pending before the learned Munsif, Barh. He further submits that it appears from the impugned order, the injuries are simple in nature and some due to misunderstanding, the present occurrence had taken place.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners on the ground that the petitioners carry four more cases other than the present one.

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, Barh, Patna in connection with Salimpur P.S. Case No.110 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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