

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55600 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MATIHANI District- Begusarai

1. Kari Sah Son Of Late Bishundeo Sah
2. Pradip Kumar Son Of Kari Sah
3. Nitish Kumar Son Of Natho Sah
All Resident Of Village- Jilla Punarwas, Gram Panchayat, Matihani 02, P.O-
Sihma, Ps- Matihani Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mr.Nishant Kumar Sinha,learned counsel

for the petitioners and Mr.Surendra Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Matihani P.S.Case No.165 of 2022, FIR
dated 06.12.2022 registered for the offences punishable under
Sections 341,307,323,149 of the Indian Penal Code.

3. The informant had alleged in the complaint
petition that on 30.05.2020 at about 6.00 PM all the accused
petitioners assaulted him with intention to kill and caused him
injured.



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 complaint petition that the date of occurrence as alleged in the complaint petition is 30.05.2020 but the present complaint petition has been filed on 11.06.2020 and which was sent to the concerned P.S. for registering FIR under Section 156(3) Cr.P.C. and the present FIR has been instituted in the year 2022 and from a bare perusal of the FIR/complaint petition it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners and there is specific allegation of assault attributed against co-accused person, namely, Hetu Sah and his son Abhishek and it appears that the informant died after six months of the date of occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the FIR and there are involved in the present crime in question.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioners and they have clean antecedent, 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, Begusarai in connection with Matihani P.S. Case No.165 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 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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