

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57134 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- HARNAUT District- Nalanda

1. Chandan Kumar
2. Anant Kumar
Both Sons Of Late Radhey Yadav Resident Village - Ukhara, P.S. - Harnaut
(CHERO), District - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2023 Heard Mr.Raj Kishor Prasad, learned counsel for the

petitioners and Mr.Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Harnaut P.S.Case No.268 of 2023, FIR dated
12.05.2023 registered for the offences punishable under
Sections 447,380,506,307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant
alleges that on 11.06.2023 all the accused persons including the
petitioners came to her house with country made pistol being
given threatening you people have filed a case in Harnaut Police



Station against us let you should withdraw the case otherwise you people would be killed and started resorted indiscriminate firing.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or firing attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and in the present occurrence no one has received any gun shot injury so the allegation as alleged in the FIR is false and fabricated and due to previous admitted dispute the petitioners have been implicated in the present false and fabricated case.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the witnesses have supported the case of the prosecution that all the accused persons have fired upon the family members of the informant but fairly submits that there is no specific allegation against the petitioners. Further submits that the petitioners carry two more cases other



than the present one but fairly submits that the petitioners are on bail in both the cases, as mentioned in para-3 of the 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 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, Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No.268 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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