

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63292 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- SARE District- Nalanda

1. Nitish Kumar Son Of Ashok Yadav
2. Dilip Kumar Son Of Ashok Yadav
both are Resident Of Village- Gilani, Ps- Sare, Dist- Nalanda
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Sujata Sinha, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-12-2023 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 Sare P.S. Case No.72 of 2023, F.I.R. dated 23.04.2023 registered for the offence punishable under Sections 341, 323, 307, 379, 504, 506/34 of the IPC.

3. The prosecution case, in brief, is that the informant along with his friend were going to Kaisara by his Scorpio vehicle and at about 30 PM, they reached near Gilani Mor there, three boys by a motorcycle arrived there and stopped his vehicle and started abusing the informant. On protest, they picked up his vehicle's key and assaulted the informant by the butt of pistol on his head with intention to kill him, as a result, he sustained head injury and Mood started looting. In the meantime, one Ashok



Yadav also came there and he also assaulted the informant. The informant has identified the accused persons as Nitish Kumar, Dilip Kumar and one unknown. They also snatched his gold chain and Rs. 1,50,000/- and fled away from there. Ashok Yadav given threatening to kill the informant. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. She further submits that due to previous dispute the petitioners have falsely been implicated in the present case. She further submits that although the informant had received injuries but all the injuries are simple in nature.

5. Learned APP for the State, on the other hand on the basis of the material available in the case diary vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is direct allegation against the petitioners that they have assaulted the informant and apart from that the petitioner no.1 has carries four cases other than the present one and petitioner no.2 carries one cases other than the present one but fairly submits that on the basis of the supplementary



affidavit filed on behalf of the petitioners that the petitioners are on bail in all the pending matters.

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 CJM, Nalanda at Biharsharif in connection with Sare P.S. Case No.72 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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