

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60394 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PALANWA District- East Champaran

1. HIMMAT GADI Son of Late Puran Gaddi @ Puran Gadi
2. Akbar Gadi Son of Kalam Gaddi @ Kalam Gadi.

Both are R/o vill - Babueya, P.S. - Palanwa, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 06-12-2023 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 Palanwa P.S. Case No.49 of 2023, F.I.R. dated 13.03.2023 registered for the offence punishable under Sections 147, 148, 341, 323, 307, 379, 504 of the IPC and later on Section 302 of the IPC had been added.

3. The prosecution story, in brief, is that petitioners brutally assaulted the informant's 'Nati' Rajkiskishore Mahto by different deadly weapons as a result of which he sustained head injuries. The accused persons also committed 'loot-pat' in the



house of the informant and assaulted the family members of the informant. Raj Kishore Mahto died in course of treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He 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. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned counsel for the informant as well as learned APP for the State, other the other hand, on the basis of material available in case diary have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that petitioners are named in the FIR and there is allegation against the petitioners that they have along with other accused persons have assaulted the grand son of the informant and he has died during course of treatment.

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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Palanwa P.S. Case No.49 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

U		T	
---	--	---	--

