

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61325 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- HATHAURI District- Samastipur

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1. Ram Prakash Das S/O Late Ramji Das
2. Kapildeo Das S/O Ram Prakash Das
R/O Village- Sarhila, P.S. Hathauri (O.P. Shivajinagar), Dist. Samastipur
... .. Petitioner/s
- Versus
- THE STATE OF BIHAR
... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard Mr.Pramod Kumar Singh, learned counsel for
the petitioners and Mr.Shyam Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Hathauri P.S.Case No.106 of 2023, FIR dated
26.06.2023 registered for the offences punishable under
Sections 147,149,341,323,324,307,504,506,354 of the Indian
Penal Code.

3. As per prosecution case, the petitioners on the point
of taking soil came with rod and Danda and started abusing and
when the son of the informant protested then the petitioners
assaulted with sharp edged weapon on the head of informant, as
a result of which blood was oozing out.

4. Learned counsel for the petitioners submits that the
petitioners have clean antecedent and they have falsely been



implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is general and omnibus allegation against all the accused persons including the petitioners and no specific allegation of any assault or overt-act is attributed against the petitioners and the date of occurrence as alleged in the FIR is 18.06.2023 but the present FIR has been instituted on 26.06.2023 after delay of 07 days without giving any explanation of delay and the co-accused persons, namely, Amala Devi, Sangita Devi and Pramila Devi, against whom the similar allegation, have been granted privilege of anticipatory bail by the learned court below itself vide order dated 13.07.2023 passed in A.B.P.No.90C of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

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 Judicial Magistrate, 1st Class, Samastipur in connection with Hathauri P.S.Case



No.106 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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