

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66336 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- HAYAGHAT District- Darbhanga

1. SANTOSH SAH @ SANTOSH SAHU Son of Ram Vilash Sahu R/o vill - Jakhra, Chakwa, ward no. 9, P.S. - Hayaghat, Distt. - Darbhanga
2. SANJEEV KUMAR SINGH @ SANJEEV SINGH Son of Late Roopdev Singh R/o vill - Samastipur Chakwa, P.S. - Hayaghat, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 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 Hayaghat P.S. Case No.71 of 2023, F.I.R. dated 04.06.2023 registered for the offence punishable under Sections 341, 323, 353, 307, 307, 427, 504, 506 and 34.

3. The prosecution case, in brief, is that informant as a Panchayat Rojgar sevak had gone to inspect the scheme going on near Bhuiyasthan. In the meantime, suddenly, members of Panchayat Samiti Sanjeev Singh, Kanhaiya Singh @ Deepak Singh, Santosh Sah and 7-8 other unknown person came and asked him to sign on plain paper. When he denied all accused persons started abusing him, thereafter the accused, namely,



Sanjeev Singh threatened to kill him and ordered one co-accused Kanhaiya Singh to teach him a lesson. On this, Kanhaiya Singh assaulted him with iron rod on his head. He started bleeding and fell down and become unconscious. Further alleged that the Sanjeev Singh snatched his bag and torn the government paper kept in his bag. Further alleged that all accused persons before some days visited his rental house and forcibly asked him to sign on a paper but he denied it. On protest of the present people they had fled away. Further stated that they have forcibly obtained the government fund on his bank account. It is further stated that they have threatened to the informant one month ago. Lalan Singh and Sanjay Mahto taken to the informant in P.H.C. Hayaghat and thereafter P.H.C. referred to the D.M.C.H. for further treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the petitioner no.1 has clean antecedent petitioner no.2 has one criminal antecedent other than the present. Further submits that petitioners 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. He 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 the petitioners. Further submits that petitioner no.1 is order giver and other accused persons are assaulted the informant.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners stating that petitioner no.2 carries one criminal case other than the present one, but fairly submits on the basis of paragraph-3 of the petition petitioner no.2 is on bail.

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 Additional Chief Judicial Magistrate, VIII, Darbhanga in connection with Hayaghat P.S. Case No.71 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	
---	--	---	--

