

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67505 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- HATHAURI District- Muzaffarpur

1. Surendra Sah S/o Ramsaresth Sah R/o Village- Mahuli, P.S.- Hathauri, Distt- Muzaffarpur.
2. Shiv Shankar Sah S/o Ganeshi Sah R/o Village- Mahuli, P.S.- Hathauri, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353, 354, 332, 427 of the Indian Penal Code.

According to prosecution case, on 24.03.2022 one Annapurna Devi gave written application to the police station regarding kidnapping of her husband Mithlesh Kumar Singh by F.I.R. named accused persons. It is further alleged that on the application of said Annapurna Devi, a case was registered and thereafter, informant along with the police party reached at the



house of Surendra Sah of village Mahuli, where a person was seen tying with rope, that person disclosed his name as Mithlesh Kumar Singh. The informant tried to take Mithlesh Kumar Singh but the accused persons named in the F.I.R. including the petitioners, attacked the police party, causing injury to police party and the mob damaged the police vehicle, the mob also committed incident act with the lady constables, anyhow, said victim Mithlesh Kumar Singh got freed from the mob and took to police station.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that for the same occurrence another case has been instituted against these petitioners i.e. Hathauri P.S. Case No. 94 of 2022 and the petitioners are on bail. He further submits that on 24.03.2023 some dispute occurred between the depositor of Maimuna Credit Co-operative Society Pvt. Ltd. and Hathauri Police Station due to Mithilesh Singh Manager Kaimuna Co-operative Society Pvt. Ltd. for maturity payment of depositor. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that there is specific allegation of any assault of overt-



act against the petitioners and there is general and omnibus allegation against these petitioners and other co-accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one and in the said he is on bail as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hathauri P.S. Case No. 95 of 2022, subject to the following conditions:-

1. 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 bond shall be cancelled by the Court below.



2. 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.

3. 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 antecedent, 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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