

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.66030 of 2023**

Arising Out of PS. Case No.-29 Year-2023 Thana- PIPRA District- Patna  
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1. SONU KUMAR S/O SADAN YADAV R/O KALYAN CHAK, BRAHAMPUR, P.S- PIPRA, DISTT.- PATNA.
2. DEEPAK KUMAR S/O SADAN YADAV R/O KALYAN CHAK, BRAHAMPUR, P.S- PIPRA, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s  
=====

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey  
For the Opposite Party/s : Mr.Ganesh Prasad Singh  
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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
ORAL ORDER

2      01-11-2023                      Heard Mr. Bimlesh Kumar Pandey, learned counsel  
  
for the petitioners and Mr. Ganesh Prasad Singh, learned  
  
A.P.P. for the State.

A supplementary affidavit, carrying out necessary  
correction in the main application, has been filed on behalf  
of the petitioners, which forms part of this application.

The petitioners apprehend their arrest in  
connection with Pipra P.S. Case No. 29 of 2023 registered for  
the offence under Sections 147, 148, 149, 341, 323, 307, 302,  
504 of the Indian Penal Code.

The petitioners along with other accused persons  
are alleged to have assaulted the informant and his family



members by means of lathi, danda, khanti and brick causing them injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that from perusal of the F.I.R. it appears that the petitioners along with others co-accused assaulted the informant and his wife and brother on their head causing them head injury. He further submits that there is no specific allegation of assault or any overt act attributed to petitioner No.1 but the petitioner No.2 is alleged to have assaulted the brother of the informant by brick causing injury to his left eye but no injury report is on record to support the allegation leveled against him. He further submits that there is case and counter case between the parties. Moreover, the co-accused, namely, Vijay Kumar Singh @ Vijya Prasad and Sanjeet Kumar @ Tunnu Kumar hav already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 41642 of 2023.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation of assault



against the petitioner No.2 that he has inflicted brick blow on the brother the informant causing injury to his left eye. Apart from that, the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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, Masaurhi, Patna in connection with Pipra P.S. Case No. 29 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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, thier bail bond shall be canceled 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.

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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