

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64483 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- CHANDAUTI District- Gaya

1. Hari Sao S/O Late Karu Sao
 2. Pintu Lal Gupta @ Pintu Kumar S/O Hari Sao
 3. Biraj Gupta @ Raja Kumar @ Raja @ Biraj S/O Hari Sao
 4. Sonu Kumar S/O Hari Sao
- All the petitioners are R/ Village- Lalganj, P.S- Chandauti, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-12-2023 Vide order dated 04.10.2023 the bail petition with respect to petitioner no.4 has been dismissed as withdrawn.

2. Heard learned counsel for the petitioner nos.1,2 and 3 as well as learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Chandauti P.S. Case No.229 of 2023, F.I.R. dated 10.04.2023 registered for the offence punishable under Sections 341, 342, 323, 354, 379, 504, 506/34 of the Indian Penal Code and under Sections 3/4/5 of the Witch Craft Act (Dyne Pratha Pratibaidh Adhiniyam, 1999).

4. The prosecution case, in short is that informant and her family were sleeping at home all of a sudden the accused



persons including the petitioners came at her house and broke the door of her house after entering into the house started assaulting and tried to ravish her on the pretext of that she was a Dyne and also taken away Golden Jitiya and bali. On the alarm they also assaulted her husband and her daughter on the pretext that she was a Dyne and always used to blame that she is a Dyne. Then we called police on 112 and on the arrival of the Police they surrounded them and also started hurling abuses. Accordingly, the FIR.

5. 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.

6. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against



the petitioners and the petitioners are named in the FIR.

7. Considering the aforesaid facts, let the petitioner nos.1,2 and 3, 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, VIth, Gaya in connection with Chandauti P.S. Case No.229 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

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