

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66145 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- KANHAULI District- Sitamarhi

1. Om Shankar Kumar Son of Chandra Bhushan Prasad Resident of Village- Vishanpur Aadhar @ Bishnpur Aadhar, P.S.- Kanhauli, District- Sitamarhi
2. Nikhil Kumar Son of Vijay Mahto @ Vijay Kumar Resident of Village- Vishanpur Aadhar @ Bishnpur Aadhar, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Kanhauli P.S. Case No. 100 of 2022 under sections 386, 387/34 of the Indian Penal Code pending in the Court of learned Judicial Magistrate 1st Class, Sitamarhi lodged on 11.06.2022 by the informant Anita Devi.

As per the prosecution story, the lady has alleged that the petitioner called her and talked about killing of her son, Aniket Kumar if she fails to pay 'Rangadari' of Rs. 2,00,000/-. Accordingly, the FIR.

Learned counsel for the petitioners submit that they have clean antecedent, are students and only because one of



them, the petitioner no.1 was witness to Kanhauli P.S. Case No. 81 of 2022 in which the informant's son Aniket Kumar @ Ankit was the accused, the present case.

Learned APP opposes the prayer for bail.

Taking into account the allegation that has come against the petitioners as also the fact that both of them do not have criminal antecedent and one of them appeared as witness in the case in which the informant's son was accused, this Court is inclined to grant them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi, in connection with Kanhauli P.S. Case No. 100 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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