

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71236 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- BANKA District- Banka

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1. DEEPAK KUMAR @ DEEPAK KUMAR S/O- BALGOVIND SINGH Village- Baisa Ps- Banka Dist- Banka
 2. Tarkeshwar Singh son Balgovind Singh Village- Baisa Ps- Banka Dist- Banka
 3. Sunny Kumar Son of Balgovind Singh Village- Baisa Ps- Banka Dist- Banka
 4. Niranjana Kumar Son of Balgovind Singh Village- Baisa Ps- Banka Dist- Banka
 5. Kavita Kumari D/o- Balgovind Singh Village- Baisa Ps- Banka Dist- Banka
 6. Balgovind Singh son of Late Ramni Singh Village- Baisa Ps- Banka Dist- Banka
 7. Shankar Singh son of Late Ramni Singh Village- Baisa Ps- Banka Dist- Banka
 8. Sulochna Devi @ Sarita Devi wife of Tarkeshwar Singh Village- Baisa Ps- Banka Dist- Banka
 9. Vikram Kumar son of Shankar Singh Village- Baisa Ps- Banka Dist- Banka
 10. Kajal Devi wife of Vikram Singh Village- Baisa Ps- Banka Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sameer, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. After some arguments learned counsel for the
petitioners seeks permission to withdraw the anticipatory bail
application of petitioner no.1. namely Deepak Kumar @ Deepk
Kumar.



3. Permission is accorded.

4. The application is dismissed as withdrawn with respect to petitioner no.1. namely Deepak Kumar @ Deepk Kumar.

5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Banka P.S. Case No. 196 of 2023, F.I.R. dated 31.03.2023, registered for the offence punishable under Sections 341, 323, 354, 307, 379 and 34 of the Indian Penal Code.

6. The prosecution story, in short, is that petitioner no.1. namely Deepak Kumar @ Deepk Kumar, pulled the dupatta of the informant with intention to outrage her modesty. The accused persons assaulted the informant, her two brothers and parents my means of lathi. The accused persons also committed theft of silver chain of the informant.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have been falsely 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. There is case and counter case between the parties. From a bare perusal of F.I.R., it appears that specific allegation of assault is attributed against co-accused Deepak Kumar @ Deepk Kumar.



8. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts that the petitioners have no criminal antecedent and no allegation of assault or overtact has been attributed against the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. Case No. 196 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 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)

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