

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71238 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MORKAHI District- Khagaria

1. CHANDAN KUMAR S/O ARJUN PODDAR R/O VILLAGE- SOUTH MARAR, WARD NO.-05, P.S- MORKAHI, DISTT.- KHAGARIA.
2. RUPESH KUMAR S/O PAPPU PODDAR R/O VILLAGE- SOUTH MARAR, WARD NO.-05, P.S- MORKAHI, DISTT.- KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Satya Nand Shukla, 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. The petitioners are apprehending their arrest in connection with Markahi P.S. Case No. 22 of 2023, F.I.R. dated 05.03.2023, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in short, is that the accused persons including the petitioners assaulted the father of the informant namely Arjun Poddar by means of iron rod and lathi. Lastly, Munna Poddar, Sushant Poddar and Kailash Poddar assaulted the father of the informant by means of iron rod and lathi. The father of the informant was admitted in the Hospital and during course of treatment he died.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have been falsely implicated in the present case. He further submits that from a bare perusal of F.I.R., it appears that F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioners. In the second part, the specific allegation of assault is against co-accused namely Munna Poddar, Sushant Poddar and Kailash Poddar that they all have assaulted the father of the informant and during treatment he died.

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

6. Considering the aforesaid facts, the petitioners have clean 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 Uma Kumari, learned J.M., Ist Class, Khagaria in connection with Markahi P.S. Case No. 22 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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