

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75845 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- RAMNAGAR District- West Champaran

1. Kartik Singh @ Kartikey Singh Son of Vijay Kumar Singh R/O Village - Purani Bazar, Ward No.- 11, P.S.- Ramnagar, District - West Champaran.
2. Golu Singh @ Vikas Singh Son of Arjun Singh R/O Village - Purani Bazar, Ward No.- 11, P.S.- Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Sanjay Kumar Singh, learned APP for
the State.

2. The petitioners are apprehending their arrest connection with Ramnagar P.S. Case No. 109 of 2023, F.I.R. dated 11.03.2023 registered for the offences punishable under Sections 447, 147, 149, 341, 323, 354(B), 504, 506, 308 of the Indian Penal Code and Section 12 of the POCSO Act.

3. Allegation against the petitioners is that they along with other co-accused persons on the occasion of Holi came to the informant's house and started assaulting the informant and their family members and whens the informant's mother came



to rescue then accused persons assaulted the informant's mother and sister and tore her *Saree*.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents 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. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 08.03.2023 but the present F.I.R. was instituted on 11.03.2023 after delay of three days. He further submits that from perusal of the F.I.R. it appears that there is absurd allegation in the F.I.R. only to falsely implicate these petitioners and from perusal of the F.I.R. it appears that police has reached at the place of occurrence at the same day but the F.I.R. was instituted after three days without giving any explanation of delay. He further submits that co-accused person namely Aman Kumar Sharma @ Aman Sharma has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 29.11.2023 passed in Cr. Misc. No. 76194 of 2023 and other co-accused persons namely Vaibhav Sharma has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide



order dated 29.11.2023 passed in Cr. Misc. No. 76402 of 2023 respectively.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, 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 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 Additional District & Sessions Judge 7th cum Special Judge POCSO, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 109 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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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