

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72987 of 2022

Arising Out of PS. Case No.-325 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. Naga Kumar @ Satveer Kumar @ Satveer Son of Devanand Paswan Resident of village - Mali Tola (Bagicha Mi), Jath Toil, P.S.- Daudnagar, District - Aurangabad
2. Dharmveer Kumar Son of Devanand Paswan Resident of village - Mali Tola (Bagicha Mi), Jath Toil, P.S.- Daudnagar, District - Aurangabad
3. Raja Kumar @ Raja Babu Son of Devanand Paswan Resident of village - Mali Tola (Bagicha Mi), Jath Toil, P.S.- Daudnagar, District - Aurangabad

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate,

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Daudnagar P.S. Case No. 325 of 2022 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 379/34 of the Indian Penal Code. Petitioner nos. 1 and 2 have got one criminal antecedent in which they are on bail whereas petitioner no. 3 has no criminal antecedent.

As per the prosecution story, the allegation against the petitioners is that they along with some other accused persons attacked the informant and his family members. It is alleged that



Monu assaulted Lalmati Devi (aunt of the informant) with sword causing head injury and Naga (petitioner no. 1) assaulted her with iron rod on hand causing fracture. Wife of Devanand took away gold chain and Dharmveer Kumar opened fire.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is no specific allegation against petitioner nos. 2 and 3. It is also submitted that on the same day from the petitioners' side a case being Daudnagar P.S. Case No. 324 of 2022 has also been lodged.

Mr. Pawan Kumar Chaurasia, learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, considering that the allegation against petitioner no. 1 is of giving iron rod blow on the hand of his aunt of the informant causing fracture, there is no specific allegation of assault against petitioner nos. 2 and 3, a case being Daudnagar P.S. Case No. 324 of 2022 was lodged on the same day from the petitioners' side which was prior in time and the present case has been lodged later on, this Court grants bail to the petitioners above-named in the event of their arrest or surrender within a period of



four weeks from today in connection with Daudnagar P.S. Case No. 325 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 antecedent, 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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