

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3861 of 2024

Arising Out of PS. Case No.-781 Year-2023 Thana- SHERGHATI District- Gaya

1. Nikhil Kumar Singh @ Nikil Kumar Singh @ Nikhil Singh Son Of Mahendra Singh Resident Of Village- Rajpur, Ps- Mali, Distt- Aurangabad
2. Mukesh Kumar Son Of Umesh Prasad Singh Resident Of Village- Dhap Charaiya, Ps- Sherghati, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr.Arvind Kumar Singh, learned counsel for petitioners and Mr.Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 781 of 2023, FIR dated 17.07.2023, registered for the offences punishable under Sections 385, 327 and 34 of IPC.

3. As per FIR, allegation against the petitioners is that on 01.07.2023, 03.07.2023 and 12.07.2023 they cut the optical fiber.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that after some times both the parties have filed a compromise petition before the learned court below and the informant has no interest to pursue the matter.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of petitioners.

6. In view of the aforesaid, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Sherghati P.S. Case No.781 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 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 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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