

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9401 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- DIDARGANJ District- Patna

1. SHIVNATH SINGH SON OF INDRADEV SINGH RESIDENT OF VILLAGE - MAHMADPUR @ MAHAMMADPUR, P.S. - DIDARGANJ, DISTRICT - PATNA
2. UMA SINGH @ UMA NATH SINGH SON OF INDRADEV SINGH RESIDENT OF VILLAGE - MAHMADPUR @ MAHAMMADPUR, P.S. - DIDARGANJ, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Durgesh Nandan, learned counsel for the petitioners and Dr. Indihar Kumari, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Didarganj P.S. Case No. 88 of 2023, F.I.R. dated 16.03.2023 registered for the offences punishable under Sections 341, 323, 325, 307, 337, 379, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons having lathi, danda, and rod attacked the informant due to which her right hand was fractured. It is further alleged that accused Vaidik Singh assaulted the informant with intention to kill on head because of which she got seriously injured and fell down.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case due to admitted land dispute between the parties since 1968. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt attributed against the petitioners rather there is specific allegation of assault is attributed against the co-accused Vaidik Singh. 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 09.03.2023 but the present F.I.R. was instituted on 16.03.2023 after delay of about seven days without giving any explanation of delay. He further submits that the informant is cousin brother of the petitioners' family.

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 Judicial Magistrate 1st Class, Patna City, Patna in connection with Didarganj P.S. Case No. 88 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 petitioner has 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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