

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12228 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. Shushil Kumar @ Sushil Kumar S/o Vilash Bhagat @ Ram Vilash Prasad
R/o Vill - Methunapur, Mustafaganj, P.S. - Minapur, Dist. - Muzaffarpur
2. Deepak Kumar @ Deepak Sahni @ Dipak Kumar S/o Shiv Shankar Sahani
R/o Vill - Methunapur, Mustafaganj, P.S. - Minapur, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Sheo Kumar Prasad, learned counsel for
petitioners and Mr.Pawan Kumar Chaurasia, learned Additional
Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Minapur P.S.Case No. 182 of 2023, FIR dated
16.05.2023, registered for the offences punishable under Sections
147,149,341,323,504,307,506,34 of IPC.

3. The prosecution case is based on written report of the
informant Ram Pravesh Sahani in which he has alleged that all the
petitioners had beaten him on 15-05-2023 at about 1:00PM. They
had assaulted him on his head due to which his head was ruptured.
He was treated in S.K.M.C.H., Muzaffarpur. He has also stated
that the accused persons have snatched a hanumani some money
and documents. The cause of occurrence is stated to be land
dispute.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and it appears from the FIR itself that due to admitted land dispute the present occurrence had taken place.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners and submits that the petitioners are named in the FIR and apart from the aforesaid the petitioners carry one more case and other than the present one but fairly submits that the petitioners are on bail in the pending matter, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the fact 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Muzaffarpur in connection with Minapur P.S.Case No. 182 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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