

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9486 of 2024

Arising Out of PS. Case No.-473 Year-2023 Thana- HILSA District- Nalanda

1. Anil Prasad Son of Bal Sharan Prasad
 2. Bal Sharan Prasad Son of Late Sahdeo Prasad
 3. Sudama Prasad Son of Mathura Prasad
- All are R/o vill - Naugarh, P.S. - Hilsa, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Prasad,Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Rudal Prasad, learned counsel for
petitioners and Mrs.Suman Kumari Singh, learned Additional
Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in connection with Hilsa P.S.Case No. 473 of 2023, FIR dated 26.07.2023, registered for the offences punishable under Sections 447,341,323,324,307,354,504 read with 34 of IPC.

3. The prosecution case in brief is that on the alleged date of occurrence and time all the named accused persons among them Anil with Farsa, Sunil with Lathi and Anil armed with Pistal with two others Sudama & Bal Sharan who were empty handed came to the house of the Informant and began to



abuse and started to assault. It is said that when the Informant prevented them then Sunil assaulted with Farsa on the head of the Informant Anil Prasad assaulted with Lathi, Manoj Kumar assaulted Pankaj Kumar with Lathi. It is further said that Sunil Kumar dragged Pinki Devi by pulling he hair and Anil Prasad was making firing from his Pistal and Anil Kumar has snatched golden ear rings from Pinki Devi with having cost of Rs. Thirty Thousand and costly it is said that accused Bal Sharan Prasad dragged Babita Devi pulling her hair and thrown her on the earth.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that there is case and counter case between the parties and as per allegation in the FIR that all the accused persons have assaulted to the family members of the informant but it appears from the FIR of Hilsa P.S.Case No.488 of 2023 that the informant's side have assaulted/misbehaved the daughter of petitioner No.1 and due to this reason, the present occurrence had taken place, although the informant has received the injury but the injury report of the informant suggests that the nature of injury is simple caused by hard and blunt object andwith respect to injury No.1, injury



report is reserved for NCCT of Brain and from the petitioners' side one Sunil Prasad has received grievous injury.

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

6. Considering the aforesaid facts, 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 A.C.J.M.-1st, Hilsa in connection with Hilsa P.S.Case No. 473 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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