

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9971 of 2024

Arising Out of PS. Case No.-908 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Suresh Singh Son of Late Jay Singh R/o vill - Kurkihar, P.S. - Wazirganj, Distt. - Gaya
 2. Vikash Kumar @ Vikash Kumar Harit S/o Suresh Singh R/o vill - Kurkihar, P.S. - Wazirganj, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Kumar son of Bhola Singh R/o vill - Kurkihar, P.S. - Wazirganj, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 908 of 2022 for the offence under Sections 386, 392, 452, 435 and 34 of the Indian Penal Code

3. As per the prosecution story, the complainant has alleged that while he was having dinner, the accused persons entered and on the point of pistol, demanded Rs. 50,000/-. As he objected to it, the allegation is that they took away Rs. 10,000/- as also the golden chain, further allegation is that before leaving the place, they opened fire. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that they are father and son and it is impossible that both of them will enter the house of their neighbour for the said act. It is a minor dispute between the parties, in which the exaggerated complaint has been preferred. Though, he concede that the petitioner No. 1, the father, has criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also the fact that the complaint has been lodged and they will be facing the trial.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Complaint Case No. 908 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to



show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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