

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21121 of 2024

Arising Out of PS. Case No.-812 Year-2022 Thana- SHASTRINAGAR District- Patna

1. Dipu Kumar @ Dipak Kumar Son of Umesh Mahto
2. Umesh Mahto Son of Late Suresh Mahto
3. Madhu Devi @ Madhu Kumari Wife of Shashi Kumar.
All Residing as renter in the house of Anand Bihari Singh, Adarsh Colony,
Gali No.-5, P.S.- Shastri Nagar, Distt.- Patna, permanent resident of Vill.-
Kanhauri, P.s.- Bihta, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Nagmani Kumar, learned counsel for the
petitioners and Mr.Rajendra Singh, learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Shastrinagar P.S. Case No.812 of 2022, FIR
dated 20.11.2022 registered for the offences punishable under
Sections 341,342,323,324,307,504,506 and 34 of the Indian
Penal Code.

3. The prosecution story in short is that the informant
namely Chandra Devi has alleged in FIR that on dt. 20/11/2022
at about 02:00 P.M., petitioners and other named accused
persons started to use abusive language as well as assault and
with intend to kill began to press neck and the wooden patta of



meson used against left hand and it became injured.

4. Learned counsel for the petitioners submits that although the petitioners have clean antecedent but after lodging the present FIR the petitioners have falsely been implicated in another case i.e. Shastrinagar P.S. Case No.818 of 2022 filed by the husband of the informant and from a bare perusal of the present 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.

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

6. Considering the aforesaid facts and there is no specific allegation of any assault or overt-act attributed against the petitioners, 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.-9th, Patna in connection with Shastrinagar P.S. Case No.812 of 2022, 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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