

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14972 of 2024

Arising Out of PS. Case No.-636 Year-2023 Thana- HISUWA District- Nawada

1. Kundan Kumar Son of Late Shaligram Singh Resident of Village- Latawar, P.S.- Hisua, Dist.- Nawada
2. Chhotu Kumar @ Jitendra Kumar Son of Late Shaligram Singh Resident of Village- Latawar, P.S.- Hisua, Dist.- Nawada
3. Dayal Kumar @ Dharmendra Kumar Son of Late Shaligram Singh Resident of Village- Latawar, P.S.- Hisua, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Manmohan Kumar, the learned counsel

for the petitioners and Mr. Shantanu Kumar, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Hisua PS Case No. 636 of 2023, FIR dated

15.11.2023, registered for the offences punishable under

Sections 341, 323, 307, 379, 504 and 506 read with Section 34

of the Indian Penal Code.

3. According to prosecution case, while the informant

was going to Manjhway from his house, the accused persons

along with four to five unknown persons assaulted him by



means of *lathi* and *danda* due to which he sustained injury on his head. It is further alleged that the accused persons snatched Rs. 10,000/- (Rupees ten thousand) and a mobile phone from the informant and threatened him with dire consequences if he discloses the location of sand loaded tractor to the Police.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to dirty village politics. He further submits that upon 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. He lastly submits that although the informant has received injury in the present occurrence, but the injury report of the informant suggests that injury is simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioner nos. 1 and 3 carry one more case other than the present one and petitioner no. 2 carries two more cases other than the present one, but he fairly admits that petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation of any assault or



overt act attributed against the petitioners and the injury report of the informant suggests that the injury is simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Nawada, where the case is pending in connection with **Hisua PS Case No. 636 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court shall verify the criminal antecedent of the petitioners and



in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court 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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