

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15328 of 2024

Arising Out of PS. Case No.-197 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Kranti Devi Wife of Sunil Paswan @ Chulchul Resident of Village- Morabbichak, P.S.- Neemachak Bathani, District- Gaya
2. Sunil Paswan @ Chulchul Son of Bhagwan Paswan Resident of Village- Morabbichak, P.S.- Neemachak Bathani, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 197 of 2022, F.I.R. dated 17.10.2022, registered for the offences punishable under Sections 341, 323, 504, 506, 354(B), 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons abused the informant and snatched her ear ring and golden chain and fled away.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been

implicated in the present case. He submits that the present case is counter blast of the Neemchak Bathani P.S. Case No. 196 of 2022 filed by the petitioners' side against the informant's side. It appears that prior to lodging of the present F.I.R., the petitioners have already filed Neemchak Bathani P.S. Case No. 196 of 2022 and therefore, it appears that the informant has not mentioned the date and time of occurrence in the F.I.R.

5. The learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, let the petitioners, above-named, in the event of their arrest or surrender before the 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 Judicial Magistrate- 1st Class, Gaya, where the case is pending in connection with Neemchak Bathani P.S. Case No. 197 of 2022, 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 trial

Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tampers 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 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 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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