

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15003 of 2024**

Arising Out of PS. Case No.-171 Year-2023 Thana- ATRI District- Gaya

1. Upendra Pandit @ Upendra Prajapat Son of Chamari Prajapat
  2. Subodh Kumar @ Subodh Prajapat Son of Dani Prajapat
  3. Nivas Kumar @ Niwas Prajapat Son of Anandi Prajapat
- All are R/o Village- Koyariyachak, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-03-2024                      After some argument, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail with respect to petitioner No.1, namely, Upendra Pandit @ Upendra Prajapat.

2. Permission is accorded.

3. Accordingly, this anticipatory bail application stands dismissed as withdrawn with respect to petitioner No.1, namely, Upendra Pandit @ Upendra Prajapat.

4. Heard Mr.Sanjeev Kumar, learned counsel for petitioners Nos.2 and 3 and Mr.Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

5. Petitioner Nos.2 and 3 are apprehending their arrest



in connection with Atri P.S.Case No.171 of 2023, FIR dated 02.04.2023 registered for the offences punishable under Sections 341,323,307,379, 354,504,506/34 of IPC.

6. Crux of allegation as per FIR is that on 01.04.2023 at about 7:00 P.M., the informant was at her home, in the meantime, the accused persons came and told to compromise the previous case and thereafter started assaulting the informant and her family members.

7. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare 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 specific allegation of assault attributed against co-accused person, namely, Upendra Chouhan, who has assaulted to Shyam Sundar Chouhan and Rampravesh Kumar. Further submits that there is case and counter case between the parties and the co-accused persons, namely, Chamari Prajapat and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.08.2023 passed in Cr. Misc. No.48238 of 2023.

8. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, let petitioner Nos.2 and 3, 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 Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No.171 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 bond 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 antecedent, 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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