

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16232 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- MADANPUR District- Aurangabad

1. Sanjay Singh S/o Rajeshwar Singh
2. Vala Rajak S/o Gujar Rajak
3. Sintu Rajak S/o Vala Rajak.
All R/o Village- Devi Bigha, P.S.- Madanpur, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr.Anuj Kumar, learned counsel for the

petitioners, learned counsel for the informant and Mr.Ram
Naresh Ray, learned Additional Public Prosecutor for the
State.

2. The petitioners are apprehending their arrest in
connection with Madanpur P.S.Case No.504 of 2023, FIR
dated 18.11.2023 registered for the offences punishable under
Sections 341,323,307,379,504,506,34 of the Indian Penal
Code.

3. Specific allegation against co-accused person,
namely, Dhananjay Singh is that he assaulted to the informant
by means of Khanti causing injury on his hand. Though there



is no specific allegation against the petitioners, however, they were alleged to have participated in the assault against the informant because of which informant sustained as many as 04 injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and there is case and counter case between the parties and from a bare perusal of the FIR it appears that there is specific allegation against co-accused person, namely, Dhananjay Singh and 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 counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the informant has received four injuries but fairly submits that there is no specific allegation against the petitioners rather there is general and omnibus allegation.



6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act is 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., Aurangabad in connection with Madanpur P.S.Case No.504 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 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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