

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19096 of 2024

Arising Out of PS. Case No.-572 Year-2022 Thana- SASARAM NAGAR District- Rohtas

1. Ankit Kumar @ Shambhu S/O- Raju Prapati R/O- Village- Khilanganj, P.S.- Sasaram (T), Dist.- Rohtas
2. Raju Prajapati S/O- Rajkishore Prajapati R/O- Village- Khilanganj, P.S.- Sasaram (T), Dist.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sadanand Roy, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Manish Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Sadanand Roy, learned counsel for the petitioners, Mr. Manish Kumar Singh, learned counsel appearing on behalf of the informant as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sasaram (T) P.S. Case No. 572 of 2022, F.I.R. dated 12.07.2022 for the offences punishable under Sections 341, 323, 448, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and one lady teacher and also snatched gold chain, mobile



phone and wrist watch and also took away Rs. 55,000/- from the office counter.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of assault against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and there is no injury report available on record which suggests that the informant side have received any injury. He further submits that co-accused, namely, Vijay Kumar @ Vijay Prajapati and Shankar Prajapati have been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 14.07.2023 passed in Cr. Misc. No. 28651 of 2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against



these petitioners, petitioners have clean antecedent and the similarly situated persons have been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Rohtas, Sasaram in connection with Sasaram (T) P.S. Case No. 572 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 bond shall be cancelled by the Court below.

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 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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