

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19086 of 2024

Arising Out of PS. Case No.-498 Year-2023 Thana- SABAUR District- Bhagalpur

1. Gudiya Devi Wife of Saryug Tanti Resident of Sardho, P.S.- Sabour, District- Bhagalpur
2. Bikky Kumar Tanti @ Bikky Kumar Son of Battan Tanti Resident of Sardho, P.S.- Sabour, District- Bhagalpur
3. Kaushal Kumar Tanti @ Kaushal Tanti @ kaushal kumar Son of Saryug Tanti Resident of Sardho, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners as well as Mr. Arun Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sabour P.S. Case No. 498 of 2023, F.I.R. dated 10.09.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 384, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the F.I.R named accused persons including these petitioners armed with lathi, danda and sword have brutally assaulted the son of the



informant as well as other persons due to which one Jyotish Kumar has sustained injury on his leg. It is further alleged that all the accused persons have threatened them for dire consequences.

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 there is no specific allegation of any assault or overt act attributed against these petitioners rather the specific allegation of assault is attributed against the co-accused, namely, Jitendra Tanti and other persons. He further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has 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 and the petitioners have clean antecedent, 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, Bhagalpur in connection with Sabour P.S.
Case No. 498 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 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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