

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18968 of 2024

Arising Out of PS. Case No.-191 Year-2023 Thana- CHANDAN District- Banka

1. Shyam Lal Soren @ Shamlal Soren Son of Late Akalu Soren Resident of Village-Baratand, Police Station-Chandan, District-Banka.
2. Biranchi Soren @ Viranchi Soren Son of Late Suraj Soren Resident of Village-Baratand, Police Station-Chandan, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Balram Kapri, learned counsel for the petitioners and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chandan P.S. Case No. 191 of 2023, F.I.R. dated 28.11.2023 registered for the offences punishable under Sections 341, 323, 307, 504 of the Indian Penal Code read with Section 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 28.11.2023 the petitioners were doing construction work on disputed land and when the informant Bahadur Yadav intervened in rescue, then at the instigation of the petitioners co-accused Sushil Soren gave axe blow on the head of the



informant.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather the allegation against the petitioners is that they have instigating co-accused Sushil Soren and Sushil Soren has assaulted to the informant and co-accused Sushil Soren has also filed a case against the family members of the informant.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act against these 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No. 191 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

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(Rajesh Kumar Verma, J)

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