

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20893 of 2024

Arising Out of PS. Case No.-239 Year-2022 Thana- SHERGHATI District- Gaya

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1. DEEPU PASWAN SON OF SHIV KUMAR PASWAN RESIDENT OF VILLAGE - BAHERI, P.S. - SHERGHATI, DISTRICT - GAYA
 2. KHUSBOO DEVI WIFE OF DEEPU PASWAN RESIDENT OF VILLAGE - BAHERI, P.S. - SHERGHATI, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Arvind Kumar Singh, learned counsel for the petitioners and Mr. Raj Kishor Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 239 of 2022, F.I.R. dated 19.03.2022 registered for the offences punishable under Sections 147, 323, 325, 307, 354(B) and 427 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons armed with deadly weapons came at the house of informant and assaulted him and his family members as a result of which Bhabhi received head injury and



Kavita Devi, Pinki Devi having bad intention torn the blouse of the informant's wife.

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 the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

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 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Sherghati, Gaya in connection with Sherghati P.S. Case No. 239 of 2022, 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.

(Rajesh Kumar Verma, J)

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