

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26546 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- BASOPATTI District- Madhubani

1. Bablu Sahni @ Bablu Kumar Sahni S/o Ram Kumar Sahni @ Rambabu Sahani, R/o village- Bundelkhand, PS- Basopatti, Distt.- Madhubani.

2. Amarjit Yadav @ Amarjeet Kumar, S/o- Ramsevak Yadav, R/o village- Madhiya, PS- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Bhavesh Kumar Sah, the learned counsel

for the petitioners and Mr. Parmanand Kumar, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Basopatti PS Case No. 149 of 2023, FIR dated

26.06.2023, registered for the offences punishable under

Sections 323, 341, 324, 307, 504 and 506 read with Section 34

of the Indian Penal Code and under Section 27 of the Arms Act.

3. According to prosecution case, FIR named accused

persons fired three rounds on the informant, out of which one

bullet hit on the left leg of the informant and upon seeing crowd

the miscreants fled away leaving behind a motorcycle.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that FIR is in two parts, in the first part there is no specific allegation of any assault or overt act, rather there is general and omnibus allegation against all the accused persons including the petitioners and in the second part, there is specific allegation of firing attributed against the co-accused person namely, Raju Mahto and there is no specific allegation of any assault or overt act against these petitioners.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the FIR and they have participated in the crime in question and apart from that both the petitioners carry one criminal antecedent other than the present one, however, he fairly admits that both the petitioners are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the fact that 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 trial Court, within a period of four weeks from the date of



receipt of the order, be released on anticipatory 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 Judicial Magistrate, Madhubani, where the case is pending in connection with **Basopatti PS Case No. 149 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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