

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23280 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- BAHERA District- Darbhanga

1. MD. SADDAM NADAF SON OF WASIL NADF Resident Village - Dherukh, P.S.- Bahera, P.O. -Benipur, District - Darbhanga, State - Bihar
2. KARI NADAF @ MOHIUDDIN SON OF AHSAN NADF Resident Village - Dherukh, P.S.- Bahera, P.O. -Benipur, District - Darbhanga, State - Bihar
3. SALIM NADAF SON OF AHSAN NADF Resident Village - Dherukh, P.S.- Bahera, P.O. -Benipur, District - Darbhanga, State - Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Barial, Advocate
For the Informant	:	Mr. Ashok Kumar Prasad, Advocate
For the State	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Saurav Barial, learned counsel for the petitioners, Mr. Ashok Kumar Prasad, learned counsel appearing on behalf of the Informant and Mr. Anant Kumar No. 1, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bahera P.S. Case No. 459 of 2023, F.I.R. dated 16.12.2023 registered for the offences punishable under Sections 341, 323, 379, 384, 386/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they have demanded rangdari from 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and for the same set of allegation the informant has already filed a Complaint Case No. 263 of 2023 before the Judicial Magistrate 1st Class, Benipur and the learned Court below has taken cognizance against the petitioners under Sections 323, 341, 504 and 34 of the Indian Penal Code. He further submits that from the perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 05.11.2023 but the present F.I.R. was instituted on 16.12.2023 after delay of about 41 days without giving any explanation of delay.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against the petitioners that they have demanded *rangdari* from the informant.

6. Considering the aforesaid facts that the petitioners having clean antecedents and for the same set of occurrence the informant has already filed the complaint petition, 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., Benipur, Darbhanga in connection with Bahera P.S. Case No. 459 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.

(Rajesh Kumar Verma, J)

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