

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25364 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- MADHAURAH District- Saran

1. Vishal Kumar @ Bishal Kumar S/o Raj Kumar Ray @ Bachche Ray R/o vill - Madhourah Khashai Tola, P.S. - Madhourah, Distt. - Saran at Chapra
2. Vikash Kumar S/o Rajkumar Ray @ Bachcha Ray R/o vill - Madhourah Khashai Tola, P.S. - Madhourah, Distt. - Saran at Chapra
3. Nakul Kumar S/o Ram Ray R/o vill - Madhourah Khashai Tola, P.S. - Madhourah, Distt. - Saran at Chapra
4. Bhim Kumar Yadav @ Bhim Kumar S/o Ram Ray R/o vill - Madhourah Khashai Tola, P.S. - Madhourah, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Tej Pratap Singh, Advocate
For the Informant	:	Mr. Ravi Prakash, Advocate
For the State	:	Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr. Tej Pratap Singh, learned counsel for the petitioners, Mr. Ravi Prakash, learned counsel for the Informant and Mr. Shakir Ahmad, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the petition with respect to the petitioner nos. 1 and 2, namely, Vishal Kumar @ Bishal Kumar and Vikash Kumar.

3. Permission is accorded.

4. The bail application is dismissed as withdrawn with respect to petitioner nos. 1 and 2, namely, Vishal Kumar @



Bishal Kumar and Vikash Kumar.

5. The petitioners (except petitioner nos.1 & 2) are apprehending their arrest in connection with Marhowrah P.S. Case No. 416 of 2023, F.I.R. dated 12.07.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

6. Allegation against the petitioners is that they along with other co-accused persons went to the house of the informant and assaulted the informant and his family members due to which they sustained injury.

7. Learned counsel for the petitioners (except petitioner nos. 1 & 2) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is case and counter case between the parties and there is no specific allegation of any assault or overt act attributed against these petitioners rather there is specific allegation of assault is against co-accused persons namely Vishal Kumar @ Bishal Kumar and Vikash Kumar.

8. Learned counsel for the Informant and learned APP for the State have opposed the prayer for anticipatory bail of the petitioners (except petitioner nos. 1 & 2).



9. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act against the petitioner and there is case and counter case between the parties, let the petitioners (except petitioner nos. 1 & 2), 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 District & Sessions Judge, Saran at Chapra in connection with Marhowrah P.S. Case No. 416 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 (except petitioner nos. 1 & 2) 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 (except petitioner nos. 1 & 2) 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 (except petitioner nos. 1 & 2) and in case at any stage, it is found that the petitioners (except petitioner nos. 1 & 2) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner nos. 1 & 2). 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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