

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25082 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- WARISNAGAR District- Samastipur

1. Nunu Devi Wife of Bhonu Shah @ Dhukhan Sah, Resident of Sakinana-Gohi, Ward No.-2, P.S.- Warisnagar, Dist.- Samastipur.
2. Yashoda Devi D/O Bhonu Shah @ Dhukhan Sah, Resident of Sakinana-Gohi, Ward No.-2, P.S.- Warisnagar, Dist.- Samastipur.
3. Bhonu Shah Son of Bilkhun Shah, Resident of Sakinana-Gohi, Ward No.-2, P.S.- Warisnagar, Dist.- Samastipur.
4. Ankit Kumar Son of Bhonu Shah @ Dhukhan Sah, Resident of Sakinana-Gohi, Ward NO.-2, P.S.- Warisnagar, Dist.- Samastipur.
5. Sujit Kumar Son of Bhonu Shah @ Dhukhan Sah, Resident of Sakinana-Gohi, Ward No.-2, P.S.- Warisnagar, Dist.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioners : Mr. Rahul Kumar Singh, Advocate
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Rahul Kumar Singh, the learned counsel

for the petitioners and Mr. Manoj Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Warisnagar PS Case No. 01 of 2024, FIR dated

03.01.2024, registered for the offences punishable under

Sections 341, 323, 324, 307, 354, 504 and 506 read with Section

34 of the Indian Penal Code.

3. According to prosecution case, the co-accused



persons armed with *gada*, iron-rod and *lathi* surrounded the informant and started abusing him and upon his protest one Sujit Kumar assaulted on his head by means of *gada* due to which he sustained serious injury. It is further alleged that one Ankit Kumar also assaulted on informant's head by means of iron-rod due to which he fell down and when the informant's wife tried to save him, the co-accused persons misbehaved with her.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 10.12.2023, but the present FIR is instituted on 03.01.2024, after a delay of about twenty-four days without giving any explanation of delay. He further submits that bare perusal of the FIR it also appears that there is general and omnibus allegations against all the co-accused persons and the specific allegation is against co-accused persons namely, Sujit Kumar and Ankit Kumar, that they have assaulted the informant by means of *gada* and iron-rod respectively, but there is no injury report available on record which suggests that the informant has received any injury and it is evident from the FIR itself that due to a petty reason the present occurrence has taken



place.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no injury report available on record that suggests that informant has received any injury, 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 Chief Judicial Magistrate, Samastipur, where the case is pending in connection with **Warisnagar PS Case No. 01 of 2024**, 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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