

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26746 of 2024

Arising Out of PS. Case No.-151 Year-2022 Thana- MEDNI CHAUKI District- Lakhisarai

1. Shambhu Saw @ Shambhu Suman Son of Ramli Saw Resident of Village- Jhapani, P.S.- Medni Chowki, District- Lakhisarai
2. Gaurav Kumar @ Gourav Kumar Son of Ganesh Mahto Resident of Village- Jhapani, P.S.- Medni Chowki, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Irshad, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 05-08-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 354 and 34 of the IPC in connection with Medni Chowki P.S. Case No.151 of 2022.

3. The learned counsel for the petitioners submit that petitioner no.1 has antecedent of two cases and petitioner no.2 is a person with clean antecedent and petitioner no.1 was granted the benefit of Section 41A of the Cr.P.C. It is next submitted that



police after investigation submitted final form in favour of the petitioner no.2 exonerating him of the allegation and submitted charge sheet against petitioner no.1 based on which cognizance came to be taken as such petitioners apprehend their arrest.

4. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits that petitioners have not approached this Court with clean hands. It is next submitted that from perusal of the case diary, it would manifest that petitioner no.1 has antecedent of four cases and petitioner no.2 has antecedent of one case.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Medni Chowki P.S. Case No.151 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. However, the learned trial court before accepting the bail bonds of the petitioners shall verify their criminal



antecedent of the petitioners, and in the event, if it is found that petitioner no.1 has more than two antecedents and petitioner no.2 has has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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