

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27215 of 2024

Arising Out of PS. Case No.-203 Year-2023 Thana- JANDAHA District- Vaishali

1. Nawal Kishor Singh S/O Late Ram Raj Singh R/O Village -Chakbhairo, P.S- Jandaha, Distt- Vaishali
2. Harendra Singh S/O- Rambachan Singh R/O Village -Chakbhairo, P.S- Jandaha, Distt- Vaishali
3. Birju Kumar @ Braj Kishor Singh S/O Nawal Kishore Singh R/O Village -Chakbhairo, P.S- Jandaha, Distt- Vaishali
4. Gauri Shankar Singh S/O Upendra Singh R/O Village -Chakbhairo, P.S- Jandaha, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate
For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 At the outset, Ld. counsel for the petitioners is seeking permission to withdraw the petition on behalf of the two petitioners, namely, Nawal Kishor Singh and Harendra Singh and pressing the petition for rest petitioners for bail.

2. Permission is granted.

3. Accordingly, the petition with respect to petitioner nos.1 and 2, namely, Nawal Kishor Singh and Harendra Singh is dismissed as withdrawn.

4. Heard learned counsel for the petitioners and learned APP for the State.



5. The petitioners apprehend their arrest in connection with Jandaha P.S. Case No. 203 of 2023, dated 07.07.2023 registered for the offences punishable under Sections 341, 323, 354, 379, 504, 325 and 506 read with Section 34 of the Indian Penal Code.

6. The prosecution case as emerges from the F.I.R. is that, the petitioners and their associates armed with deadly weapons came at the house of the informant and assaulted her husband and son, on account of which, they became unconscious. Further allegation is that all the accused persons had committed *loot-pat* and taken away Rs.25,000/- from the box and snatched golden chain from the son and ear-ring from the informant.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that even as per the prosecution case there is no allegation against the petitioners of any overt act of assault on the alleged victim. As per the allegation, they have only done *loot-pat* which is superficial additions to the alleged offence to make the case serious.

8. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.



9. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory Bail or Regular Bail.

10. However, the learned APP for the State has opposed the prayer for bail.

11. Considering the nature of the allegation, this application is allowed, directing the petitioner nos. 3 and 4, namely, Birju Kumar @ Braj Kishor Singh and Gauri Shankar Singh, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 203 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of



the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

(Jitendra Kumar, J.)

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