

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.32843 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- BENIPATTI District- Madhubani

Vinod Kumar S/O Sri Murari Prasad R/O Vill.- N.C.Gosh Lane, Yarpur Devi  
Asthan, P.S.\_Gardanibagh, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 39655 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- BENIPATTI District- Madhubani

Pawan Kumar son of Sri Raja Babu R/v- Chandpur Bela, Anil Bhawan Gali,  
P.S.- Jakkanpur, dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 44326 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- BENIPATTI District- Madhubani

Sanjay Kumar @ Sanju Kumar son of Sri Om Prakash Patty R/v Chapra  
Colony, New Jakkanpur, P.S.-Jakkanpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 32843 of 2024)  
For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate  
For the Opposite Party/s : Md. Mushtaque Alam, APP  
(In CRIMINAL MISCELLANEOUS No. 39655 of 2024)  
For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate  
For the Opposite Party/s : Md. Mushtaque Alam, APP  
(In CRIMINAL MISCELLANEOUS No. 44326 of 2024)  
For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate  
For the Opposite Party/s : Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**



ORAL ORDER

3      06-09-2024                      Heard Mr. Vijay Kumar Sinha, learned counsel for the petitioners as well as Md. Mushtaque Alam, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Benipatti P.S. Case No. 02 of 2021, F.I.R. dated 02.01.2021 for the offences punishable under Sections 341, 323, 365, 386, 420, 467, 468, 471/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant by means of butt of the pistol on his head and also took his car and transferred Rs. 2,900/- and Rs. 13,100/- in the account of one Sadhana Kumari from his mobile number.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to business dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that the date of occurrence is 28.12.2020 but the present F.I.R was instituted on 02.01.2021 i.e. after delay of 4 days without giving any explanation of the said delay. He further submits that no cogent material has come during



investigation which suggest the involvement of the petitioners in the present occurrence and there is no eye witness of the alleged occurrence.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and no incriminating articles have been recovered which suggests the involvement of the petitioners in the present occurrence, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- I, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 02 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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 antecedent, 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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