

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35977 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- EKANGARSARAI District- Nalanda

1. Sujit Kumar Son of Awadhesh Yadav Resident of village - Alipur, P.S.- Hilsa, District - Nalanda
2. Amit Kumar Son of Awadhesh Yadav Resident of village - Alipur, P.S.- Hilsa, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Ekangarsarai P.S. Case No. 256 of 2023 dated 19.11.2023, instituted for the offence punishable under Sections 341, 342, 379/34 of the Indian Penal Code.

3. The prosecution case, in short, is that informant along with Rajesh Kumar was going to Parwalpur market for purchasing fruits on occasion of Chhath festival. When they reached at Nishchalganj market, the petitioners along with accused persons started assaulting them and snatched Rs. 20,000/- cash.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the parties are full brother. It is further submitted that the allegation levelled against the petitioners are general and omnibus in nature. It is further stated that land dispute is going on between the petitioners and one Manoj Kumar (nephew of the informant), who lodged Hilsa P.S. Case No. 249 of 2021, 259 of 2021 and 270 of 2022 against the petitioners and the petitioners have been falsely implicated in this case. It is next submitted that petitioners have no concern with other accused persons. Lastly, it has been submitted that the petitioners have five criminal cases against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ekangarsarai P.S. Case No. 256 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds 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, II, Hilsa, Nalanda, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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