

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38126 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Manohar Sada @ Manohar Sda Son of Nago Sada @ Nago Sda Resident of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District - Darbhanga.
 2. Dilip Sada @ Dilip Sda Son of Nago Sada @ Nago Sda Resident of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District - Darbhanga.
 3. Bijali Sada @ Bijli Sda Son of Nago Sada @ Nago Sda Resident of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District - Darbhanga.
 4. Nago Sada @ Nago Sda Son of Chua Sada @ Late Chua Sda Resident of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District - Darbhanga.
 5. Shiv Kumar @ Shiv Kumar Sda Son of Ram Karan Sada @ Ram Karan Sda Resident of village - Golmadeeh (Gomadeeh), P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024

Heard Mr. Nilendu Kumar Choudhary, learned counsel for the petitioners, Mr. Vinay Kumar Mishra, learned counsel for the Informant and Mr. Bhanu Pratap Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kusheshwar Asthan P.S. Case No. 379 of 2023, F.I.R. dated 13.12.2023 registered for the offences punishable



under Sections 147, 148, 149, 341, 323, 324, 325, 379, 385, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the accused petitioners is that they along other co-accused persons started abusing and assaulted the informant. Accused petitioner Manohar Sada pointed pistol upon the informant and accused petitioner Nago Sada wrapped towel around the neck of the informant and pulled the same. It is further alleged that accused persons also assaulted the sons of the informant namely Akash and Ankit with lathi and phathha and also demanded *rangdari* of Rs. 50,000/- from the informant per year.

4. Learned counsel for the petitioners submits that the petitioner nos. 1 and 5 carries one criminal antecedent and petitioner nos. 2, 3, and 4 having clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation against the petitioner nos. 2, 3 and 5 and there is specific allegation against the petitioner no.1 Manohar Sada that he had pointed pistol to the petitioner and as per allegation in the F.I.R. against the



petitioner no. 4 is that he has wrapped the towel on the neck of the informant and there is specific allegation of firing attributed against the co-accused persons namely Visheshwar Sada, Ram Karan Sada.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that it appears from the F.I.R. that the accused petitioners with common intention have assaulted the family members of the informant.

6. Considering the facts and circumstances of the case and the allegation as alleged in the F.I.R., let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Benipur, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 379 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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