

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41318 of 2024

Arising Out of PS. Case No.-23 Year-2022 Thana- MALI District- Aurangabad

1. Saroj Singh @Saroj Kumar Singh S/O Pawan Singh
 2. Vijay Singh @Vijay Kumar Singh S/O Late Ramraj Singh
 3. Upendra Singh S/O Amerika Singh
 4. Vivek Kumar @Vivek Kumar Singh S/O Vijay Singh @Vijay Kumar Singh
 5. Badal Kumar @Badal Kumar Singh S/O Ramnath Singh
 6. Dharendra Kumar @Dhirendra Kumar Singh S/O Murari Singh
 7. Vikrant Kumar Singh @Bikrant Kumar S/O Yamuna Singh.
- All seven R/O Village Sori, P.S. Mali, Distt-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Ms.Mukul Kumari, learned counsel for the

petitioners and Mr.Humayou Ahmad Khan, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mali P.S.Case No.23 of 2022, G.R.No.562 of 2022, FIR dated 20.03.2022 registered for the offences punishable under Sections 147,149,341,323,307,379,504 of the Indian Penal Code.

3. The brief facts are that the petitioners have assaulted the informant Shanu Kumar with Garassa, Sabal and



Rod as a result of which he sustained head injury. Saroj Singh snatched gold chain of the informant while Vivek Kuamr Singh took away Rs.5,000/- from his wallet.

4. Learned counsel for the petitioners submits that the petitioner No.4 carries one more case other than the present one and rest other petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 17.03.2022 but the present FIR has been instituted on 20.03.2022 after delay of three days without giving any explanation of delay and afterthought the informant has falsely implicated the petitioners in the present case.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act, 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 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Aurangabad in connection with Mali P.S.Case No.23 of 2022, G.R.No.562 of 2022, 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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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