

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47880 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- KHAGARIA District- Khagaria

1. Roshan Kumar @ Roshan Tanti S/O Chalittar Tanti @ Ram Chalittar Tanti @ Charitar Tanti.
 2. Chalittar Tanti @ Ram Chalittar Tanti @ Charitar Tanti S/O Late Chabhu Tanti.
- Both are R/O Vilage- Sanhauili, Ward No.-25, P.S- Khagaria (Chitraguptnagar), Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr.Rahul Singh, learned counsel for the petitioners and Mr.Uday Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria (Chitragupta Nagar) P.S.Case No.12 of 2024, G.R.No. 65 of 2024, FIR dated 06.01.2024 registered for the offences punishable under Sections 341, 323, 325, 307, 448, 354, 379, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief by informant Arvind Kumar is that on 04-01-2024 at about 07.00 PM. he was in his house In the meantime FIR named accused persons including petitioners came being armed with iron rod, Khanti, sword and



country made pistol and started abusing, broke the door and entered into his house and told to withdraw Chitragupt Nagar P.S.case No.752/2017 and on refusal, on the order of petitioner Raushan Tanti, co-accused Rokky assaulted with butt of country made pistol on his head causing head injury. Petitioner Avinash assaulted with sword on the head of his father which his father stopped by his hand causing injury on his hand. Further co-accused Raju Tanti assaulted on the head of his brother Kundan Kumar, accused persons caught his mother and threw on the ground assaulted with fists, slaps and iron rod. Further Charitar Tanti and Jagat Tanti snatched gold chain worth Rs. 30,000/- (thirty thousand) from his neck.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that the present case is counter blast of Khagaria (Chitragupta Nagar) P.S.Case No.11 of 2024 filed by the wife of petitioner No.1 against the informant and his family members. Further submits that although the petitioners are named in the FIR but it appears from the FIR that there is no specific allegation of any assault or overt-act attributed against the petitioners, there is allegation against petitioner No.1 is that he is order-giver and petitioner No.2 is that he snatched Gold



Chain from the neck of the informant. Learned counsel for the petitioners submits that both the parties are agnates and there is case and counter case.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners carry one more case other than the present one but fairly submits that the petitioners on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts and nature of allegation as alleged in the FIR, 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No.12 of 2024, G.R.No. 65 of 2024, 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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