

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52057 of 2024

Arising Out of PS. Case No.-618 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Kundan Singh @ Kundan Kumar Singh Son of Manoj Singh Resident of village - Marichaw, P.S.- Bhabua, District - Kaimur at Bhabua.
2. Golu Singh @ Shivanshu Kumar Singh Son of Sunil Singh Resident of Village - Bare, P.S.- Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr.Rajani Kant Pandey, learned counsel for the petitioners and Mr.Vinod Shanker Modi, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhabua P.S.Case No.618 of 2023, FIR dated 08.07.2023 registered for the offences punishable under Sections 341,342,323,325,307,504,34 of the Indian Penal Code and Section 27 of Arms Act.

3. According to prosecution case, the petitioners along with other co-accused persons have assaulted to the informant by means of stick and iron rod.

4. Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Further submits that and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that there is case and counter case and although the informant's side have received injury but the injury report of the informant suggests that all the injuries are simple in nature and co-accused person, namely, Anand Singh @ Anand Kumar Singh & Others have been granted privilege of anticipatory bail by this Court vide order dated 07.05.2024 passed in Cr. Misc. No.27690 of 2024.

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 are named in the FIR and apart from that, petitioner No.1 carries three more cases and petitioner No.2 carries one more case other than the present one but fairly submits that the petitioners are on bail in all the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, 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, Kaimur at Bhabhua in connection with Bhabua P.S. Case No.618 of 2023, 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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