

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51241 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- CHANDI District- Nalanda

1. Ramudesh Prasad Son Of Brahmdeo Prasad R/O- Village- Kamdhupipar, P.S.- Chandi, Distt.- Nalanda
2. Nitish Kumar Son Of Munilal Yadav R/O- Village- Kamdhupipar, P.S.- Chandi, Distt.- Nalanda
3. Munilal Yadav Son Of Ramdev Yadav R/O- Village- Kamdhupipar, P.S.- Chandi, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chandi P.S. Case No. 81 of 2023, F.I.R. dated 07.03.2023 registered for the offences punishable under Sections 147, 149, 341, 323, 379, 353 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with 30-40 persons started assaulting the police team and snatched the golden chain of S.I. Aamit Shankar and anyhow they managed to protest their life.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt attributed against these petitioners. He further submits that although the informant's side has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that co-accused person namely Sipi @ Sharad Pawar against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 1680 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedent and there is no specific allegation of any assault or overt attributed against these petitioners and the injury inflicted upon the informant's side is simple in nature, 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Chandi P.S.



Case No. 81 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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