

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55645 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Kamlesh Kumar Singh
2. Anil Kumar Singh
Son Of Triloki Nath Singh R/V- Village- Chiraiya Tikar Sahi, P.S.- Sikraul,
Distt.- Buxar
... .. Petitioner/s
Versus
The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Ms.Dimpal Kumari, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 353, 333, 307, 120(b), 427, 504 and 506 of the IPC in connection with Buxar (Mufassil) P.S. Case No.173 of 2024.

3. The learned counsel for the petitioners submit that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and the informant alleges that while



he intercepted a truck laden with sand when a Nexon car came and two persons alighted from the car and assaulted him by *danda* indiscriminately, causing injury on head.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that petitioners are driver and khalashi of a truck, but not of the truck which was intercepted by the informant. It is also submitted that specific allegation of assaulting the informant is against those accused who came tout of the Nexon car.

5. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits informant is a government servant and was assaulted. It is also submitted that though petitioners are not named in the FIR, but their names transpired based on the investigation of CDR of the mobile and the petitioners were found present near the place of occurrence, on which the learned counsel for the petitioners submit that even presuming what has come during the course of investigation is true, then the entire allegation hinges around suspicion merely for the reason that the mobile of the petitioners were found near the place of occurrence, but then that in itself does not point to the fact that petitioners committed the occurrence. It is also



submitted that petitioners will not abscond, rather will cooperate in the investigation to prove their innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Buxar in connection with Buxar (Mufassil) P.S. Case No.173 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C with a further condition that one of the bailor of the petitioners shall be their father, namely, Triloki Nath Singh.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

8. It is further made clear that if the police after investigation submits charge sheet connecting the petitioners



with the offence, in that event, the present anticipatory bail order shall loose its effect.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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