

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62089 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- MEHUSH District- Sheikhpura

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1. Paras Sao Son of Bhikhari Sao, R/O Vill.- Mapho, P.S.- Mehus, Dist.- Sheikhpura
 2. Ratan Sao Son of Mr. Bhikhari Sao, R/O Vill.- Mapho, P.S.- Mehus, Dist.- Sheikhpura
 3. Rakesh Kumar Son of Mr. Surendra Sao, R/O Vill.- Mapho, P.S.- Mehus, Dist.- Sheikhpura
 4. Deepak Kumar Son of Mr. Paras Sao, R/O Vill.- Mapho, P.S.- Mehus, Dist.- Sheikhpura
 5. Navin Sao @ Naven Kumar Son of Mr. Gyan Sao, R/O Vill.- Amahara, P.S.- Amahara, Dist.- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party	:	Mr. Madhura Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr. Ajay Kumar Thakur, the learned counsel

for the petitioners and Mr. Madhura Nand Jha, the learned

Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the

petitioners seek permission to withdraw the anticipatory bail

application with respect to petitioner no. 5 namely, Navin Sao @

Naven Kumar.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with



respect to petitioner no. 5, namely, Navin Sao @ Naven Kumar is dismissed as withdrawn.

5. The petitioner nos. 1 to 4 are apprehending their arrest in connection with Mehus PS Case No. 19 of 2023, FIR dated 10.06.2023, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 302, 504 and 506 of the Indian Penal Code.

6. According to the prosecution case, the co-accused persons assaulted the father of the informant due to which he sustained fatal injuries and later succumbed to his injuries.

7. Learned counsel for the petitioner nos. 1 to 4 submits that petitioner nos. 1 to 4 have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is direct and specific allegation against the co-accused persons namely, Navin Sao @ Naven Kumar and Ravi Sao; that they have assaulted to the father of the informant and he had died during treatment. He further submits that from bare perusal of the FIR, it also appears that there is no specific allegation of any assault or overt act attributed against these petitioners, rather there is general and omnibus allegation against all the co-accused persons including petitioner nos. 1 to 4. He further submits that the police has submitted the chargesheet and not sent the petitioner nos. 1 to 4 for trial *vide*



chargesheet no. 14 of 2024 dated 27.02.2024. However, the learned trial Court differing with the report of the police has taken cognizance *vide* order dated 21.03.2024. He lastly submits that co-accused persons namely, Ajay Sao, Rabindra Sao, Surendra Sao and Ranjeet Sao have been granted the privilege of anticipatory bail by this Court *vide* order dated 24.01.2024 passed in Cr. Misc. No. 83774 of 2023.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1 to 4.

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioner nos. 1 to 4 have clean antecedent and there is no specific allegation of any assault or overt act attributed against these petitioner nos. 1 to 4, let the petitioner nos. 1 to 4, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sheikhpura, where the case is pending in connection with **Mehus PS Case No. 19 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following



conditions:

(i). Petitioner nos. 1 to 4 shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner nos. 1 to 4 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 learned trial Court shall verify the criminal antecedent of the petitioner nos. 1 to 4 and in case, at any stage, it is found that the petitioner nos. 1 to 4 have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 1 to 4. 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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