

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66940 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. Ram Bahadur Sada @ Ram Bahadur Sda S/o Nago Sada @ Nago Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga
 2. Pradeep Sada @ Pradip Sda S/o Ram Karan Sada @ Ramkaran Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga
 3. Pardeshi Sada @ Pradeshi Sda S/o Bisheshwar Sada @ Visheshwar Sada @ Visheshwar Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga
 4. Anajani Sada @ Anjani Sda S/o Bijali Sada @ Bijli Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga
 5. Dilkhush Sada @ Dilkhush Sda S/o Dilip Sada @ Dilip Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga
 6. Dinesh Sada @ Dinesh Sda S/o Shi Shankar Sada @ Shiv Shankar Sda Resident of Village - Golmadeeh (Gomadeeh), P.S- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioners as well as Mr. Madhura Nand Jha,
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kusheshwar Asthan P.S. Case No. 379 of 2023,
F.I.R. dated 13.12.2023 for the offences punishable under



Sections 147, 148, 149, 341, 323, 324, 325, 379, 385 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the 19 accused persons including these petitioners armed with various weapons have assaulted the informant. Co-accused Ram Karan Sada assaulted him by means of rifle due to which informant's hand got fractured. Visheshwar Sada and Nago Sada also assaulted him and tries to strangulate him and snatched gold chain from informant's neck. It is further alleged that Visheshwar Sada and Manohar Sada were demanding Rs. 50,000/- as extortion since one year.

4. Learned counsel for the petitioners submits that petitioner nos. 2 to 5 have clean antecedent and petitioner no. 1 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that there is specific allegation against the co-accused, namely, Ram Karan Sada and there is no accusation of any assault or overt act against these petitioners. He further submits that the similarly situated co-accused persons, namely, Manohar Sada @ Manohar Sda and others have been granted anticipatory bail by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 38126 of 2024.



5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioner nos. 2 to 5 have clean antecedent and other similarly situated persons have been granted anticipatory bail by this Court, let the petitioners, above named, in the event of 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 the learned Judicial Magistrate 1st Class, Benipur, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 379 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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)

Vanisha/-

U		T	
---	--	---	--

