

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70963 of 2024

Arising Out of PS. Case No.-40 Year-2020 Thana- MURAR District- Buxar

1. Rajni Kant Shukla @ Anjani Kant Shukla S/o Triloki Shukla Resident of Village- Ojha Baraon, PS- Murar, District- Buxar, Bihar
2. Manoj Prasad Shukla @ Manoj Shukla @ Manoj Kumar Garg S/o Nathuni Shukla Resident of Village- Ojha Baraon, PS- Murar, District- Buxar, Bihar
3. Triloki Shukla S/o Late Barmeshwar Shukla @ Kapur Shukla Resident of Village- Ojha Baraon, PS- Murar, District- Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Chaubey, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Alok Chaubey, learned counsel for the petitioners as well as Mr. Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Murar P.S. Case No. 40 of 2020, F.I.R. dated 19.05.2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 308, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, due to some petty disputes, the accused persons assaulted the uncle of the informant and also took Rs. 45,000/- and food items and also threatened him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. Although some of the persons have received injury but the injury report of the injured persons suggests that there is swelling upon the right shoulder and the opinion was reserved. He further submits that the similarly situated co-accused, namely, Nitesh Kumar Ojha has been granted anticipatory bail by this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 81184 of 2023 and another co-accused, namely, Kamlesh Ojha has been granted anticipatory bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 42343 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 there is no accusation of any assault or overt act against these petitioners, 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, Buxar in connection



with Murar P.S. Case No. 40 of 2020, 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)

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