

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73928 of 2024

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

1. Bipi @ Nipi @ Bipin S/o Krishkant kumar Resident of village- kamdhupipar, Police station- Chandi, District- Nalanda
2. Krishkant Kumar @ Krishan Kant Prasad S/o Late Ramadeb Yadav Resident of village- kamdhupipar, Police station- Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioners, learned counsel for the informant and 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. As per prosecution case, the co-accused persons along with thirty to forty unknown persons assaulted the informant's side and snatched golden chain of ASI Amit Shankar, all of whom went to Kandhupipar to enquire about Cyber Crime Ayodhya P.S. Case No. 03 of 2021.

4. Learned counsel for the petitioners submit that the



petitioner no. 1 has clean antecedent whereas petitioner no. 2 has got one criminal antecedent in which he is on bail and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that the allegation against seven named persons including these petitioners and 30-40 unknown persons are of assaulting the informant side and snatching golden chain of ASI namely Amit Shankar. He further submits that there is no specific allegation of assault or overt act against the petitioners, although the informant and other persons have received injury but from perusal of injury report, injury are found to be simple in nature caused by hard and blunt object. He further submits that the co-accused Sipi @ Sarad Pawar has already been granted 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 vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioner no. 1 having clean antecedent, there is no specific overt act against the petitioners and similarly situated co-accused has already been granted anticipatory bail by this Court vide order dated 21.03.2024 passed in Cr. Misc. No. 1680 of 2024, 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 his absence on two consecutive dates without sufficient reason, their bail bond 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 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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