

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84406 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- KHIJARSARAI District- Gaya

1. Shiv Shankar Prasad S/O Late Sitaram Mahto Village- Devgaon, Ps. Khijarsarai, Dist. Gaya.
2. Manoj Prasad @ Madhav Prasad S/O Late Kailash Prasad Village- Devgaon, Ps. Khijarsarai, Dist. Gaya.
3. Ganesh Kumar S/O Manoj Prasad Village- Devgaon, Ps. Khijarsarai, Dist. Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Prithivi Raj Singh, learned counsel for the petitioners and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khijarsarai P.S. Case No. 192 of 2023, F.I.R. dated 14.05.2023 registered for the offences punishable under Sections 147, 341, 323, 379, 308 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the informant and her family members due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present case is counter blast of Khijersarai P.S. Case No. 191 of 2023 filed by the wife of the petitioner no. 3 against the family members of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against the accused persons including the petitioners that they have assaulted the informant and his family members.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, 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 A.C.J.M. 4th, Gaya in connection with Khijarsarai P.S. Case No. 192 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 antecedents, 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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