

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80717 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

1. Tripurari Sharan S/O Mahesh Prasad R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.
2. Amit Kumar @ Golu S/O Mahesh Prasad R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.
3. Ankit Kumar @ Abhishek Raj S/O Late Nagendra Prasad R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.
4. Amit Kumar S/O Late Nagendra Prasad R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.
5. Mahesh Prasad S/O Jagdish Yadav R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.
6. Shanti Devi W/O Shidharth Shankar @ Tuntun Prasad R/O Village- Rustampur, P.S.- Muffasil, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Raj Kishore Prasad, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned APP for the State.

2. Learned counsel for the petitioners submits that during the pendency of the petition the petitioner no. 6, namely, Shanti Devi has been arrested and as such the anticipatory bail petition of petitioner no. 6 has become infructuous and accordingly, he seeks permission to withdraw the anticipatory



bail petition of petitioner no. 6.

3. Permission is accorded.

4. The anticipatory bail petition of petitioner no. 6 stands dismissed as withdrawn.

5. The petitioners (except petitioner no. 6) are apprehending their arrest connection with Muffasil P.S. Case No. 191 of 2023, F.I.R. dated 24.06.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

6. Allegation against the petitioners is that they attacked the informant and his family members with deadly weapons due to which they sustained injuries.

7. Learned counsel for the petitioners (except petitioner no. 6) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case and the present case is counter blast of Muffasil P.S. Case No. 184 of 2023 filed on behalf of family members of the petitioners 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 all the accused persons including the



petitioners and now the matter has been compromised between the parties and compromise petition has already been filed before the learned Trial Court.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 6).

9. Considering the aforesaid facts that there is case and counter case and there is no specific allegation of assault or overt act attributed against the petitioners and the petitioners having clean antecedents, let the petitioners (except petitioner no. 6), 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-I, Nawada in connection with Muffasil P.S. Case No. 191 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 (except petitioner no. 6) 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 (except petitioner no. 6) 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 (except petitioner no. 6) and in case at any stage, it is found that the petitioners (except petitioner no. 6) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond. 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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