

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83531 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- BELDOUR District- Khagaria

1. Roushan Kumar @ Roshan Kumar Son Of Uday Sharma
 2. Suraj Kumar Son Of Pankaj Sharma
 3. Nabhjot Sharma Son Of Sunil Sharma
 4. Mithun Sharma Son Of Rishi Sharma
- All are R/O Village And P.S.- Beldaur, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Amar Kumar Singh, learned counsel for
the petitioners and Mr.Bharat Lal, learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Beldaur P.S.Case No.119 of 2023, G.R.No.1803 of 2023, FIR dated 08.06.2023 registered for the offences punishable under Sections 341, 447, 323, 379, 307, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in brief by informant Rajesh Kumar is that on 07-06-2023 at about 05.30p.m. F.I.R.named four accused persons (petitioners) and four unknown came armed with lathi,danda, iron rod and sharp cutting weapons entered into his shop forcibly and started



abusing and assaulted him brutally causing head injury. When customer Vinita Kumar tried to pacify the matter then accused persons abused and assaulted her also. Accused persons looted Rs10,000/- (ten thousand) and threatened of dire consequences.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties. Further submits from a bare perusal of the FIR 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. Although, the present occurrence the informant has received the injury but the injury report of the informant suggests that all the injury received by the informant is simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Beldaur P.S. Case No.119 of 2023, G.R.No.1803 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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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