

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84772 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

-
1. Amar Pratap Singh @ Puttu Son Of Late Singheshwar Prasad Mandal R/O Mohalla- D.N. Singh Road, Deepnagar, P.S.- Jogsar, Dist.- Bhagalpur
 2. Sajjan Gupta @ Sajan Gupta @ Gautam Kumar Son Of Sri Raj Kumar R/O Mohalla- Shankar Talkies, Deep Nagar Ghat Road, P.S.- Jogsar, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Navjot Yesu, learned counsel for the

petitioners and Mr. Jharkhandi Upadhyay, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kotwali (Jogsar) P.S. Case No. 102 of 2023, F.I.R. dated 29.01.2023 for the offences punishable under Sections 341, 323, 379, 324, 384 & 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons in drunken condition stopped the informant and demanded money from taking liquor. When the informant denied, co-accused person, namely, Mahabir Singh assaulted him due to which he became unconscious.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation levelled against them. He submits that there is specific allegation of assault attributed against the co-accused person, namely, Mahabir Singh who has been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 11.08.2023 passed in Cr. Misc. No. 49979 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries two criminal antecedents and petitioner no.2 carries one criminal antecedent other than the present but fairly submits on the basis of the para-3 of the bail application that the petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 102 of 20233, 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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)

ajay/-

U		T	
---	--	---	--

