

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2562 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- NAGAR District- Vaishali

1. Arvind Sharma S/O Late Ram Chandra Sharma R/o village- Mahavir Colony, ward no 7, P.S. Hajipur Town, district- Vaishali
2. Manish Kumar Sharma @ Manish Kumar @ Manish Kr. Sharma S/O Arvind Sharma R/o Village- Mahavir Colony, Ward No 7, P.S. Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate
For the Informant	:	Mr. Awadhesh Kumar Singh, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Ravish Mishra, learned counsel for the petitioners, Mr. Awadhesh Kumar Singh, learned counsel for the Informant and Mr. Mukesh Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Hajipur Town P.S. Case No. 341 of 2023, F.I.R. dated 08.05.2023 registered for the offences punishable under Sections 341, 323, 325, 308, 379, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is of assaulting the informant with iron rod and they broke the jaw and teeth of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and there is case and counter case between the parties. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Learned counsel for the Informant and learned APP for the State have opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and there is direct and specific allegation against the petitioners that they have assaulted the informant and their family members and apart from that the petitioners carry two more cases other than the present one but fairly submits on the basis of paragraph-4 of the supplementary affidavit that the petitioners are on bail in the pending matters.

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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 341 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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