

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.102 of 2024

Arising Out of PS. Case No.-409 Year-2023 Thana- ROSERA District- Samastipur

1. Anshuman Kumar Ray @ Raja
2. Purushottam Roy @ Mithu.
Both S/o Late Ashok Kumar Roy R/o Vill.-Bhirha, P.S.- Rosera, Dist.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lovekush Kumar, Advocate
For the Opposite Party/s	:	Ms.Pushpa Sinha-1, APP
For the Informant	:	Mr. Vishal Vikram Rana, Advocate
	:	Ms. Misha Bharti, Advocate.
	:	Ms. Ananya Shivani, Advocate
	:	Mr. Aditya Singh, Advocate
	:	Ms. Monalika, Advocate
	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr.Lovekush Kumar, learned counsel for the

petitioners, Mr. Vishal Vikram Rana, learned counsel for the

informant and Mr.Pushpa Sinha-1, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Rosera P.S.Case No.409 of 2023, FIR dated

22.06.2023 registered for the offences punishable under

Sections 302/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information

Report, is that on 15.06.2023, the father of the informant had



gone for milking cow at the house of one Anil Mukhiya. The informant, all of a sudden, came to know that the petitioners, along with other co-accused persons, having iron-rod and sword in their hands, assaulted his father, due to which he sustained serious injuries and subsequently, succumbed to the injuries in the hospital.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 15.06.2023 but the present FIR has been instituted on 22.06.2023 after delay of about seven days without giving any explanation of delay. Further submits that in fact the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the present FIR has been instituted against all the accused persons including the petitioners and except the suspicion no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that it has come during investigation in para-11 of the



case diary that the witnesses have supported the case of the prosecution and the medical evidence also supports the allegation as alleged in the FIR but learned counsel for the informant has failed to inform this Court that why the present FIR has been instituted after delay of seven days and apart from that learned counsel for the informant submits that the petitioners carry two more cases other than the present one but fairly submits that the petitioners on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

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 A.C.J.M.-I, Rosera, Samastipur in connection with Rosera P.S. Case No.409 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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