

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3635 of 2024

Arising Out of PS. Case No.-862 Year-2023 Thana- ALAMGANJ District- Patna

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1. Amit Kumar @ Amit Sharma Son Of Vinod Kumar Sharma @ Babu Resident Of Village- Chhoti Patan Devi, Ps- Chowk, Dist- Patna
 2. Abhishek Kumar @ Abhishek Sharma Son Of Vinod Kumar Sharma @ Babu Resident Of Village- Chhoti Patan Devi, Ps- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Sahay, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Akhauri Sahay, learned counsel for the petitioners and Mr. Anish Chandra, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Alamganj P.S. Case No. 862 of 2023, F.I.R. dated 20.09.2023 for the offences punishable under Sections 341, 323, 307, 379, 385 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners and others are said to have intercepted the informant and assaulted him. During the course of assault Abhishek Kumar took out Rs. 70,000/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegations as alleged in the F.I.R. are false and fabricated and no such occurrence took place between the parties. He further submits that due to business rivalry the informant instituted the present false case against these petitioners. He further submits that no independent witness has supported the case of the prosecution.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 A.C.J.M.-IV, Patna City, Patna in connection with Alamganj P.S. Case No. 862 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 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)

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