

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3566 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

1. Amod Kumar S/o Shri Laxmi Bhagat R/o Mohalla - Dream House, Rajeev Nagar Road No. 17, P.S. - Rajeev Nagar, Distt. - Patna
2. Tuntun Kumar S/o Shri Prabhu Dayal Rai R/o Mohalla - Paithani Nathupur, P.S. - Beur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mrs. Vaishnavi Singh, learned counsel for the petitioners and Mr. Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sri Krishnapuri P.S. Case No. 265 of 2024, F.I.R. dated 09.09.2024 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 324(4), 324(5), 74, 109, 303(2), 333, 352 and 351 of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, 40-50 unknown miscreants entered into the hospital of the informant who were armed with deadly weapons and started assaulting the informant



and his son and also the other staffs of the hospital. They also misbehaved with the female staffs of the hospital and on the point of pistol they looted mobile phones and also took CCTV cameras and DVR with themselves before fleeing.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. She further submits that the petitioners are not named in the F.I.R. and the F.I.R has been instituted against 40-50 unknown persons and during investigation the name of the petitioners have been transpired in the present occurrence. She further submits that due to previous land dispute the petitioners have falsely been implicated in this case. Although there is allegation in the F.I.R that all the accused persons have assaulted the informant, his family members and his staffs but the injury report of the injured persons suggest that the injuries received by them are simple in nature caused by hard and blunt substance.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners were involved in the present crime in question and apart from that the petitioners carries one criminal antecedent other than



the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances that the petitioners are not named in the F.I.R and there is no specific allegation against these petitioners and injuries received by the injured persons are simple in nature, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Patna in connection with Sri Krishnapuri P.S. Case No. 265 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond shall be cancelled by the Court below.



ii. If the petitioners tampers 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 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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