

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5670 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- DALMIYA NAGAR SAHAYAK District-
Rohtas

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1. Deepak Kumar @ Deepak Prakash Son of Jai Mangal Singh village-
Gangauli, ps- Dalmia Nagar, Dist- Rohtas
 2. Anu Kumar @ Himanshu Shekhar @ Anu son of Randhir Kaushal village-
Gangauli, ps- Dalmia Nagar, Dist- Rohtas
 3. Pankaj Kumar Son of Ashok Singh @ Sanjay singh village- Gangauli, ps-
Dalmia Nagar, Dist- Rohtas
 4. Bhim Kumar @ Vishal Kumar Badal son of Dina Singh @ Dinesh Singh @
Dinesh Kumar Singh village- Gangauli, ps- Dalmia Nagar, Dist- Rohtas
 5. Ankesh Kumar @ ILU son of Munip Singh @ Srikant chaudhary village-
Gangauli, ps- Dalmia Nagar, Dist- Rohtas
 6. Dharendra Kumar @ Mithu @ Dharmandra Singh Son of Jaimangal Singh
village- Gangauli, ps- Dalmia Nagar, Dist- Rohtas
 7. Chandan Kumar son of Ramji Singh village- Gangauli, ps- Dalmia Nagar,
Dist- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-02-2025 Heard Mr. Dhaneshwar Prasad Gupta, the learned

counsel for the petitioners, the learned counsel appearing on

behalf of the informant and Mr. Binod Kumar, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Dalmia Nagar PS Case No. 19 of 2024, FIR

dated 16.09.2024, registered for the offences punishable under



Sections 191(1), 192(2), 118(1), 109, 126(2), 115(2), 303(2), 351(2), 352 and 3(5) of the B.N.S., 2023.

3. According to the prosecution case, the co-accused persons, variously armed, gathered at the door of informant, protesting the election of informant as President of Durga Puja Committee and when the informant came, they assaulted him and snatched Rs. 3,000/- (Rupees three thousand only) from the pocket of informant.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and although petitioners are named in the FIR, but from bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and with a common intention, they have assaulted to the informant and informant has received the injury, which is opined by the doctor as grievous in nature. Apart from that, although petitioner



no. 2 and petitioner nos. 4 to 7 have clean antecedents, but petitioner nos. 1 and 3 carry one criminal antecedent other than the present, however, he fairly submits that petitioner nos. 1 and 3 are on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against the petitioners and some of the petitioners have clean antecedents, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Dehri, Rohtas, where the case is pending in connection with **Dalmia Nagar PS Case No. 19 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two



consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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