

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52079 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- BATH District- Bhagalpur

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1. Sakaldeo Bind S/o Chaturgun Bind R/o Village - English Ratanpur, P.S - Bath, District - Bhagalpur
 2. Sanjay Kumar @ Sanjay Bind @ Deepak Kumar Bind S/o Sakaldeo Bind R/o Village - English Ratanpur, P.S - Bath, District - Bhagalpur
 3. Akshay Kumar S/o Sakaldeo Bind R/o Village - English Ratanpur, P.S - Bath, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bajarangi Lal, Advocate
For the State	:	Mr. Anil Kumar, A.P.P.
For the Informant	:	Mr. Vivekanand Vivek, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Bajrangi Lal, learned counsel for the petitioners, Mr. Vivekanand Vivek, learned counsel for the informant and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seek permission to withdraw this application with respect to petitioner no. 1, namely, Sakaldeo Bind and petitioner no. 2, namely, Sanjay Kumar @ Sanjay Bind @ Deepak Kumar with a liberty to the petitioner no. 1, namely, Sakaldeo Bind and petitioner no. 2, namely, Sanjay Kumar @ Sanjay Bind @ Deepak Kumar to surrender before the learned Court below within a period of four weeks from today and seek regular bail.

3. Permission is accorded.

4. This application is dismissed as withdrawn with



the liberty that the petitioner no. 1, namely, Sakaldeo Bind and petitioner no. 2, namely, Sanjay Kumar @ Sanjay Bind @ Deepak Kumar surrender and seek regular bail before the learned Court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

5. The petitioner no. 3, namely, Akshay Kumar is apprehending his arrest in connection with Bath P.S. Case No. 33 of 2025, F.I.R. dated 10.03.2025 for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 74, 109, 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

6. According to prosecution case, the informant alleges that on 07.03.2025 at about 03:00 P.M., all the named accused persons together came to the door of her house armed with deadly weapons and started abusing her. When she opposed, Sanjay Bind, armed with a pistol, Akshay Kumar, armed with an iron rod, and Sakaldeo Bind, armed with a stick, assaulted her. It is further alleged that her son, daughter and father-in-law were assaulted on their heads. In the meantime, Sulekha Devi and Mahodari Devi took away cash amounting to Rs. 30,000/- and jewellery from the box of the informant. They also snatched the ear-rings of her daughter and took Rs. 5,000/-



from the pocket of her father-in-law.

7. Learned counsel for the petitioner submits that the petitioner no. 3, namely, Akshay Kumar has clean antecedent and has committed no offence as alleged in the F.I.R. The present case is counter blast of Bath P.S. Case No. 34 of 2025. Although, the petitioner is named in the F.I.R. but from a bare perusal of the F.I.R., it appears that specific allegation of assault is attributed against Sakaldeo Bind and Sanjay Kumar.

8. The learned Additional Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts, petitioner no. 3, namely, Akshay Kumar has clean antecedent and there is no allegation of assault or over act alleged in the F.I.R., let the petitioner no. 3, namely, Akshay Kumar, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Bath P.S. Case No. 33 of 2025, 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. Petitioner no. 3, namely, Akshay Kumar 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 petitioner no. 3, namely, Akshay Kumar 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 petitioner no. 3, namely, Akshay Kumar and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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