

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61646 of 2024

Arising Out of PS. Case No.-417 Year-2023 Thana- PIRPAINTI District- Bhagalpur

1. Sonu Kumar @ Sanu Suraj son of Sanjiv Mandal Village- Tarwa, P.S. Pirpanti, District- Bhagalpur
2. Som Kumar @ Som Suraj son of Sanjiv Mandal Village- Tarwa, P.S. Pirpanti, District- Bhagalpur
3. Satyendra Kumar @ Munna Kumar son of Ramdev Mandal Village- Tarwa, P.S. Pirpanti, District- Bhagalpur
4. Sanjiv Kumar @ Sanjiv Mandal son of Ramdev Mandal Village- Tarwa, P.S. Pirpanti, District- Bhagalpur
5. Rinki Devi wife of Sanjiv Mandal Village- Tarwa, P.S. Pirpanti, District- Bhagalpur

... .. Petitioners

Versus

1. The State of Bihar.
2. Prem Mandal S/o Nathan Mandal R/o Tarwa, P.S.- Pirpanti, Distt.- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Amrendra Kumar Jha, Advocate
For the Opposite Party : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr. Amrendra Kumar Jha, the learned counsel for the petitioners, the learned counsel appearing on behalf of the informant / opposite party no. 2 and Mr. Satya Nand Shukla, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with G.R. No. 6475 of 2023, arising out of Pirpanti PS Case No. 417 of 2023, FIR dated 15.11.2023, registered for



the offences punishable under Sections 323, 341, 354, 324, 308, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons, variously armed, entered into the house of the informant and assaulted informant's sons and daughter.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that 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 any of the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. Apart from that, although informant's side has received the injury, however, injury report of the informant's side suggests that all the injuries are simple in nature caused by hard and blunt substance.

5. The learned counsel for the informant / opposite party no. 2 and 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 although petitioner nos. 1, 2 and 3 have clean antecedents, however, petitioner nos. 4 and 5 have two criminal antecedents other than the present one,



but fairly submits that petitioner nos. 4 and 5 are on bail in the pending matters.

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 any of the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners and injury report of the injured persons suggests that injury is simple in nature, 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 Chief Judicial Magistrate, Bhagalpur, where the case is pending in connection with **G.R. No. 6475 of 2023, arising out of Pirpainty PS Case No. 417 of 2023**, 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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