

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67871 of 2024

Arising Out of PS. Case No.-821 Year-2024 Thana- PHULWARISHARIF District- Patna

1. Sher Khan Son of Late Shamim Khan R/O Millat Colony, Sector-1, P.S.- Phulwarisharif, Dist.- Patna.
2. Shaifu Ali Khan @ Saif Ali Khan Son of Late Shamim Khan R/O Millat Colony, Sector-1, P.S.- Phulwarisharif, Dist.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Pravashankar Mishra, Advocate Mr. Rishu Kumar, Advocate
For the State	:	Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Pravashankar Mishra, the learned counsel for the petitioners and Mr. Bhanu Pratap, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Phulwarisharif PS Case No. 821 of 2024, FIR dated 14.06.2024, registered for the offences punishable under Sections 341, 342, 323, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, informant use to work as waitress in the restaurant of the petitioners and due to leave issue she was fired from the restaurant, however, when the informant demanded her Aadhar card, Pan card and ATM card



back from the petitioners, they assaulted and abused her.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that informant was employed with petitioner no. 1 and petitioner no. 1 removed the informant from his restaurant and on retaliation, she was filed the present FIR against the petitioner no. 1 and his brother. 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 these petitioners, rather the allegation levelled against them are general and omnibus in nature. He lastly submits that although informant has received the injury, but the injury report of the injured person suggests that injury is simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and



injury inflicted upon the injured person is found to be 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 Additional Chief Judicial Magistrate, XIV, Patna, where the case is pending in connection with **Phulwarisharif PS Case No. 821 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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