

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88616 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Amresh Kumar Son of Rajesh Das
2. Susinta Devi Wife of Rajesh Das .
Both R/o Village -Bahorma PS- Neemchak Bathani Dist -Gaya
... .. Petitioner/s

Versus

1. The State of Bihar
2. Payal Kumari Daughter of Birendra Das R/oVillage -Bahormadih PS-
Neemchak Bathani Dist -Gaya
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Prasad, Advocate
: Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr.N.K. Prasad, learned counsel for the

petitioners and Mr.Chandra Bhushan Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Neemchak Bathani P.S.Case No.159 of 2024,
FIR dated 19.07.2024 registered for the offences punishable
under Sections 126(2), 115, 118(I), 75, 329(I), 303(2), 352,
351(2), 351(3) and 3(5) of the B.N.S. 2023.

3. The prosecution case in brief is that on 12-07-2024
about 12.00 O'clock the informant has tried to stop the accused
petitioners from speeding dung and other wastages at the way of
Informant as the petitioners have tied their cattle on the way of



the informant. But the accused persons have adamant to champ their garbage and dings on the way and started beating the informant with lathi, danda and tangi due to which she sustained injury on head. Further they taken Rs. 10000/- from the box and threatened for dire consequences for life.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It appears from the FIR itself that the present case is counter blast of Neemchak Bathani P.S. Case No.156 of 2024 filed by the petitioner No.2 against the informant and her family members and it appears from the FIR itself that the present FIR has been instituted after delay of seven days without giving any explanation of delay. Although the allegation against the petitioners that they have assaulted to the informant and her family members but the injury report of the informant and her family members suggests that the injury is simple in nature caused by hard and blunt substance.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners. Further submits that the petitioners carry one more case other than the present one.

6. Considering the aforesaid facts, there is case and



counter case and injury inflicted upon the injured person is simple in nature, let the petitioners, above named, in the event of their 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 learned Judicial Magistrate 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No.159 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 bonds shall be cancelled by the Court below.

(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 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 antecedents, 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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