

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88686 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- KALYANPUR District- East Champaran

1. Uma Shankar Maharaj S/O Late Charitar Maharaj @ Laritar Maharaj
Resident of village - Mathkalyan, P.S- Kalyanpur, Distret- East champaran
2. Abhishek Kumar S/O Ramesh Mahahraj Resident of village - Mathkalyan,
P.S- Kalyanpur, Distret- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Advocte Mr. Shashi Bhushan Pandey, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Anshul, learned Senior counsel for the
petitioners and Mr. Anil Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 159 of 2024, F.I.R. dated 06.06.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 354(b) and 379/34 of the Indian Penal Code.

3. Allegation against the petitioners is that accused petitioner Uma Shankar Maharaj started molesting the wife of the informant namely Sunita Devi and she raised objection. Accused petitioner namely Abhishek Kumar gave blow of *tanguli* on the head of the informant with an intention to commit murder.

4. Learned Senior counsel for the petitioners submits that the petitioner no. 2 having clean antecedent and petitioner



no. 1 carries two criminal antecedents but in the first case police has submitted final form and in the second case the petitioner has been acquitted by the learned Trial court. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and there is case and counter case between the parties. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 03.06.2024 but the present F.I.R. was instituted on 06.06.2024 after delay of three days. He further submits that it appears from the F.I.R. itself that the allegation against petitioner no. 1 is false and no occurrence had taken place and the allegation against petitioner no. 2 is that he assaulted to the informant and although the informant has received injuries but the injury report of the informant suggests that the injuries inflicted upon the informant is simple in nature caused by hard and blunt substance.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the nature of injury, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Sadar, East Champaran at



Motihari in connection with Kalyanpur P.S. Case No. 159 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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