

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16885 of 2021**

Arising Out of PS. Case No.-152 Year-2020 Thana- SATHI District- West Champaran

1. Sawami Nath Ram S/O Late Babu Ram R/O Village Sathi, P.S. Sathi, District - West Champaran.
2. Prabhu Ram S/o Sawami Nath Ram R/O Village Sathi, P.S. Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Chandra Kant, Advocate

For the Opposite Party/s : Mr.Ravindra Kumar, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      23-07-2021                      Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under section 379 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioners and other accused persons went to the house of the informant and started abusing her and on protest, co-accused Mukurdhwaj and Mukesh entered her house and dragged her out from the house and petitioner no.2 inflicted farsa injury on her head and when her husband tried to save her, petitioner no.1 assaulted him by iron rod on his head causing head injury.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is a case and counter case, both sides sustained injuries. Instant case has been lodged after delay of two days without any explanation of delay. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 23.11.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that petitioners have got clean antecedent and there is a case and counter case in which both sides sustained injuries, let the petitioners, mentioned above, be enlarged 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 Additional Chief Judicial Magistrate III, West Champaran in Sathi Police Station Case No. 152 of 2020 on the 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 bond shall be cancelled by the Court below.

(2) 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.

**(Prabhat Kumar Singh, J)**

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