

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36301 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- RAMNAGAR District- West Champaran

1. RAJU SAH Son of Vinod Sah Resident of Village - Madhubani (North), Police Station - Ramnagar, District - West Champaran.
2. Sugrim Yadav Son of Late Raghunath Yadav Resident of Village - Madhubani (North), Police Station - Ramnagar, District - West Champaran.
3. Badari Yadav Son of Late Raghunath Yadav Resident of Village - Madhubani (North), Police Station - Ramnagar, District - West Champaran.
4. Anup Yadav Son of Suraj Yadav Resident of Village - Madhubani (North), Police Station - Ramnagar, District - West Champaran.
5. Brind Sah @ Birendra Sah @ Virendra Sah Son of Late Shyama Sah Resident of Village - Madhubani (North), Police Station - Ramnagar, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Chandra
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in connection with Ramnagar P.S.
Case No. 149 of 2020 registered for the offences punishable
under Sections 341, 323, 504, 506, 379, 307, 34 of the IPC.

According to prosecution case, the informant alleges



that on 09.05.2020 at about 7:00 PM, sons of his pattidar Ramesh Sah and Ashok Sah were fighting with each other and when informant went to compromise the matter, Bindra Sah, Rahul Sah, Guddu Sah and Ashok Sah came there and started abusing and assaulting him. Thereafter, family members of the informant came there to save the informant but they were also assaulted by the accused persons. In the meantime, Rahul Sah and Guddu Sah took away rupees ten thousand from the pocket of the informant.

Learned counsel for the petitioners submits that petitioners no. 1, 4 and 5 have clean antecedent whereas petitioners no. 2 and 3 have one criminal antecedent. Learned counsel further submits that petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that all the injuries are simple in nature. He further submits that petitioners no. 1, 2, 3 and 4 are in custody since 29.01.2021 and petitioner no. 5 is in custody since 04.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioners no. 2 and 3 carry one



criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate-1, Bagaha, West Champaran in connection with Ramnagar P.S. Case No. 149 of 2020, subject to 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.

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 antecedent,



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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