

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15030 of 2022

Arising Out of PS. Case No.-393 Year-2021 Thana- MADHUBAN District- East Champaran

1. BHAGWAN PRASAD S/o Manoj Prasad R/o village- Bahuara, P.S.- Madhuban, District- East Champaran
2. Bhushan Prasad @ Devendra Prasad S/o Manoj Prasad R/o village- Bahuara, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 A supplementary affidavit has been filed on behalf of

the petitioners across the board.

Let it be taken on record.

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Madhuban P.S. Case No. 393 of 2021, registered for the

offences punishable under Sections 341, 323, 324, 325,

307, 354B, 447, and 504/34 of the IPC.

As per allegation, the informant and his family

members were assaulted by the petitioners and their



associates with iron rod, *laathi*, *sword*, *farsa* etc., causing injuries to them.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the allegations levelled against the petitioners are general and omnibus in nature. Moreover, there is a counter case filed by one Kiran Devi, wife of Rajesh Prasad, from petitioners' side. He has further submitted that the petitioners are young and aged about 19 and 20 years.

The petitioners are in custody since 18.11.2021

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on



bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Madhuban P.S. Case No. 393 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the



petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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