

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19853 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. DILIP KUMAR Son of Rupan Bhuiyaan Resident of Village - Nima Chaturbhuj , P.S.- Rafiganj, Distt.- Aurangabad (Bihar).
2. Arjun Bhuiyyan Son of Rupan Bhuiyaan Resident of Village - Nima Chaturbhuj , P.S.- Rafiganj, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Rafiganj P.S. Case No. 46 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 34 of the Indian Penal Code.

As per prosecution case, there is accusation of assault against the petitioner Dilip Kumar upon the informant's head by means of danda. It is also alleged that petitioner Arjun Bhuiyaan assaulted the informant on his head by means of



danda as a result whereof informant sustained injury on head. It is also alleged that both petitioners snatched golden chain from the neck of informant's wife.

Learned counsel for the petitioners submits that petitioners are in custody since 09.02.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that informant sustained two injuries which are simple in nature caused by hard and blunt substance which is evident from Annexure-2 to the petition. There is case and counter case between the parties on the same date of occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, there is case and counter case between the parties on the same date of occurrence, informant sustained simple injury, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named 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 Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 46 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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