

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29842 of 2021

Arising Out of PS. Case No.-509 Year-2019 Thana- RAJAON District- Banka

1. SUSHIL SAH S/O Late Bhubneshwar Sah
2. GURUDEO SAH Son of Late Bhubneshwar Sah
3. DHARMENDRA SAH S/O Late Bhubneshwar Sah
All Resident of Village - Gopalpur, Police Station - Rajoun, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,324,307,379,427,504,506/34 of IPC.

The prosecution case, in short, is that on 07.12.2019, the water of submersible of the petitioner No.1 was flowing on the road which was objected by the informant Birendra Pd.Sah. It is further alleged that on protest, the petitioners came having



Lathi, Danda, Khanti and Gandasa and assaulted the informant alongwith his family members having intention to kill. During the assault, Kailash Pd.Sah sustained bleeding injury on his head. It is further alleged that co-accused Tinki Devi, Rita Devi, Kanchan Devi and Poonam Devi assaulted by throwing bricks and stones and during the assault co-accused Tinki Devi snatched away a necklace from the neck of informant's daughter Kumkum Devi. Thereafter, the police came and took the injured to the hospital.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that the present case is counter blast of Rajoun P.S.Case No.506 of 2019 lodged by petitioner No.2 against the informant and his family members. Learned counsel for the petitioners further submits that it appears from the FIR itself that there is general and omnibus allegation against all the accused persons and the injury report suggests that some of the injuries are simple in nature and one of the injuries is grievous in nature but that is not on the vital part of the body.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Rajoun P.S.Case No.509 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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