

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32175 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. YOGENDRA MALAKAR @ YOGENDRA BHAGAT Son of Late Banarsi Malakar
 2. Shanti Devi Wife of Yogendra Malakar
 3. Pawan Malakar @ Pawan Kumar Son of Yogendra Malakar
 4. Viniti Devi Wife of Pawan Malakar
- All are Resident of Village and P.S- Chariya Bariyarpur, District - Begusarai.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-06-2022 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 341,323,504,506,354,307,34 of IPC.

The prosecution case, in short, is that one Madhu Devi has lodged an FIR stating therein that on 09.05.2020 at around 11.00 AM she had altercation with named accused persons on account of flow of dirty water. The accused persons



gave beatings to the informant and on hearing the noise her husband came to rescue her then one of the accused Pawan Malakar inflicted injury by iron rod on the right portion of his head then she prayed for legal action.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. In fact the petitioners and the informant are agnates and it appears from the FIR itself that there is general and omnibus allegation against all the accused persons and due to flow of water, the alleged occurrence has taken place. He further submits that the allegation as alleged in the FIR does not support the medical evidence. The Doctor has opined that the injury is simple in nature.

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 Cheriya Bariyarpur P.S. Case No.63 of 2020, 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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