

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33227 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Shammi Kumar Son of Om Prakash Singh @ Gorelal Singh @ Gaurelal Singh Resident of Village- Madhubani, P.S.- Chiraiya, District- East Champaran.
2. Harikishore Singh Son of Ram Naresh Singh Resident of Village- Madhubani, Police Station- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 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 APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354 and 504/34 of the Indian Penal Code.

As per prosecution case, in short, is that the informant and his son Vijay Kumar Singh were removing masoordal from straw at their door then co-accused Aditya Kumar came and obstructed them for which he abused him then



all accused persons including the petitioners came with lathi, bhala, rod and sharp edge weapon. In the meantime, his son Vijay Kumar Singh came with view to save him then petitioner no. 1 Shammi Kumar assaulted on his head with *talwar* then he fell down and co-accused Shivam Kumar took out golden chain from the neck of his son. It is further alleged that the wife of the informant came with a view to save him then co-accused hari Bhushan Singh dragging her after caught her hair and knocked down.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. In fact, the informant is agnates of the petitioners and the mother of the petitioner no. 2 has filed a case bearing Chiraiya P.S. Case No. 393 of 2018 against the family members of the informant. He further submits that it appears from the F.I.R. that the allegation against petitioner no. 1 he assaulted the son of the informant namely Vijay Kumar but the medical evidence does not support the allegation as alleged in the F.I.R. and the injury report is simple in nature. He further submits that the allegation against petitioner no. 2 is general and omnibus in nature.

Learned APP 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/- (Rupees 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 Chiraiya P.S. Case No. 99 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 witness, 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 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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