

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43258 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- PAROO District- Muzaffarpur

1. Hari Shankar Sah, S/O Late Ashrafi Sah
2. Chunnu Sah @ Chandan Kumar, S/O Hari Shankar Sah  
Both R/O Village-Fatehabad, P.S-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                          |
|----------------------|---|--------------------------|
| For the Petitioner/s | : | Mr.Alok Kumar Alok, Adv. |
| For the State        | : | Mr.Md. Fahimuddin, APP   |
| For the Informant    | : | Mr. Pramod Rajpati, Adv. |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      22-02-2022                      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Paroo P.S. Case No.12 of 2021 registered for the offences punishable under Sections 323, 324, 379, 427, 447, 504 and 506/34 of the Indian Penal Code. They are in custody since 13.03.2021. The petitioners have got no criminal antecedent.

As per the prosecution story, on 31.12.2020 while the



informant was cleaning his Bolero vehicle at his darwaza in the meantime all the named accused including these petitioners came there and started assaulting the informant and his family members with sticks and rod and also damaged the Bolero vehicle and taken away its key. It is further alleged that all the accused persons have also taken away Rs.73,000/- and mobile phone and again on 01.01.2021 in the evening the accused persons assaulted the informant with stick, iron rod and knife. Thereafter the informant was taken to the hospital for treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that there is no specific allegation of assault against the petitioners. It is submitted that the petitioners are in custody in connection with this case since 13.03.2021 having no criminal antecedent.

Learned APP for the State and learned counsel for the informant have opposed the prayer for regular bail of the petitioners.

Having regard to the submissions that there is a case and counter case of the same occurrence, the injured of this case has though suffered seven injuries but except one i.e. injury no.6 all other injuries are simple in nature, the petitioners have



remained in custody for more than one year and the informant has already been examined in course of trial but the trial is not likely to be concluded in near future, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III West, Muzaffarpur in connection with Paroo P.S. Case No.12 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 antecedent, 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.

And further condition that in course of trial the petitioners shall appear on each and every date fixed in the matter, two consecutive defaults in putting appearance in the learned court below shall invite action by the learned court below towards cancellation of bail bond of the petitioners.



And further condition that if the petitioners are found involved in threatening of the witnesses and if any such complaint is filed in the learned court below the same shall be looked into by the learned trial court and an appropriate order shall be passed on the same.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

