

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50164 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- CHIRAIYA District- East Champaran

1. SITARAM THAKUR Son of Late Ram Balak Thakur Resident of Village - Pansalwa, P.S.- Chiraiya, District - East Champaran.
2. Raj Kishore @ Raj Kishore Thakur Son of Late Ram Balak Thakur Resident of Village - Pansalwa, P.S.- Chiraiya, District - East Champaran.
3. Rahul Kumar Son of Sitamram Thakur Resident of Village - Pansalwa, P.S.- Chiraiya, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Vagisha Pragya Vacaknavi, Advocate
For the State	:	Mr.Md. Matloob Rab, APP
for the Informant	:	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Chiraiya P.S. Case No. 146 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307, 325, 504, 506, 34 of the IPC.

According to prosecution case, on 06.06.2021 the informant was filling the ditch from mud in front of his house.



Suddenly, the accused persons came there having armed with lathi, danda, iron rod, farsa etc. and abused the informant. The accused persons stopped the informant from filling mud over the land claiming to be of them. In the meantime, on the order of Bhikhari Thakur, Ranjan Kumar assaulted the informant with farsa on his head as a result whereof blood started oozing out. On rescue, Om Prakash Thakur was assaulted by Niranjana Kumar with iron rod. Petitioner no. 1 assaulted with Tanguli to one Binod Thakur. Petitioner no. 2 assaulted to Punkali Devi in her pelvic area. Petitioner no. 3 assaulted to Deo Prakash Thakur with fasuli on his head.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. She further submits that the present case is counter blast of Chiriyia P.S. Case No. 145 of 2021. She further submits that there is general and omnibus allegation against all the accused persons including the petitioners. She further submits that petitioners are in custody since 09.06.2021.

Learned counsel for the informant as well as learned Additional Public Prosecutor vehemently opposed the prayer of bail.



Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate-IV, Sikrahana, Dhaka, East Champaran in connection with Chiriya P.S. Case No. 146 of 2021, G.R. No. 765 of 2021, subject to the 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 bond 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.

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 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.

(Rajesh Kumar Verma, J)

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