

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44182 of 2022**

Arising Out of PS. Case No.-141 Year-2015 Thana- SONEPUR District- Saran

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1. PRAMOD DAS @ PRAMOD KUMAR SON OF BADARI DAS R/O VILLAGE- KHARIKA, P.S.- SONEPUR, DISTT.- SARAN AT CHAPRA
 2. JITENDRA KUMAR DAS @ JITENDRA DAS SON OF NAGESHWAR DAS R/O VILLAGE- KHARIKA, P.S.- SONEPUR, DISTT.- SARAN AT CHAPRA
 3. VINOD DAS SON OF BADARI DAS R/O VILLAGE- KHARIKA, P.S.- SONEPUR, DISTT.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

2 22-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427 and 504 of the Indian Penal Code.

The petitioners are said to have assaulted the informant and his family members by means of lathi, danda, rod and spade as a result of which they sustained head injury.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He



further submits that on perusal of the F.I.R., it transpires that the petitioner No.1 is alleged to have assaulted on the head of brother of the informant by way of iron rod and the petitioner No.3 is said to have assaulted the informant by means of sword causing him head injury. He further submits that the injuries found on the informant and the person of the injured are opined to be of simple in nature, which would be evident from paragraph nos. 10(i)(ii) and (iii) of the case diary. He further submits that there is general and omnibus allegation against the petitioner No.2, Jitendra Kumar and no specific allegation of assault is attributed to him. It is further contended that there is case and counter case between the parties. He further submits that further contends that no case under Section 307 of the I.P.C. is made out against the petitioners. Hence, the petitioners may be granted the privilege of anticipatory bail. .

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and fairly submits that in the paragraph nos. 10(i)(ii) and (iii) of the case diary, the injuries sustained by the informant and other injured are found simple in nature.

Considering the facts and circumstances of the



case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Sonapur P.S. Case No. 141 of 2015, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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 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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