

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46429 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

1. Arjun Ram Son of Ramadhar Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.
2. Devendra Ram Son of Akshyavar Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.
3. Kuldip Kumar son of Devendra Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.
4. Pradeep Kumar Son of Devendra Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.
5. Geyanti Devi wife of Devendra Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.
6. Bhim Ram son of Ramadhar Ram Resident of Village - Amlori, P.S.- Siwan Muffasil, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

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



According to the prosecution case, all the petitioners along with Raj Kumar Ram were digging plinth on the land of the informant and when informant objected they started assaulting the informant and his family members by means of lathi, danda etc, and snatched gold chain worth Rs. 40,000/- from the neck of the informant's wife.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it transpire that the petitioner No. 1 is the order giver. He further submits that there is no specific allegation of assault or overt act attributed against the petitioner No. 2 to 6. He further submits that there is specific allegation of assault against the co-accused, namely, Dilip Kumar, Dipu Kumar, Punit Ram and Kanti Dev and they have granted anticipatory bail vide order dated 16.11.2022 passed in Cr. Misc. No. 44771 of 2022. He further submits that the case of the petitioners is better footing.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Siwan, Muffasil P.S. Case No. 233 of 2022, 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, his bail bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 his 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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