

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56235 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- KHODAWANDPUR District- Begusarai

1. CHINNI LAL DAS, Son of Ram Ratan Das
2. Rohit Kumar @ Rohit Das, Son of Ram Chandra Das
Both are resident of Village - Gosaimath (Sagi), P.S.- Khodawandpur,
District - Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 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 and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Permission is granted to learned counsel for the petitioners to correct the typographical errors in paragraph '4' of the petition.

Petitioners, in the present case, are seeking regular bail in connection with Khodawandpur P.S. Case No. 152 of 2021 (G.R. No. 197/2021) registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code. They are in custody since 14.07.2021 having



no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was feeding cattle at his house all the accused persons came there and started torturing him, on protest he was beaten by the accused persons and petitioner no. 2 caused injury to his nephew. The modesty of the mother of the informant was also outraged. The informant further alleged that two other persons were also assaulted by the accused persons.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. No overt act has been alleged against Chinilal Das (petitioner no. 1) and there is general and omnibus allegation against the petitioner no. 2.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that in the First Information report the specific allegation of commission of overt act is against co-accused Rajesh Das, so far as these two petitioners are concerned, though they are named in the F.I.R. but at best the allegation against them is that they were also member of the unlawful assembly, no overt act has been alleged



against them, the petitioners have no criminal antecedent and they have remained in custody in connection with this case since 14.07.2021, investigation against them is complete and their presence may be secured in course of trial, therefore, this Court release of the petitioners above named on bail on furnishing of 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 C.J.M., Begusarai in connection with Khodawandpur P.S. Case No. 152 of 2021 (G.R. No. 197/2021), 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

