

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56952 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Parmeshwar Rai @ Parmeshwar Ray S/O Kameshwar Rai Resident of Village- Mohiuddinagar Gwaltoli, P.S.- Mohiuddinagar, District- Samastipur.
 2. Suresh Rai @ Sure Shrai S/O Kameshwar Rai Resident of Village- Mohiuddinagar Gwaltoli, P.S.- Mohiuddinagar, District- Samastipur.

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioners 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, 354, 379, 307, 504, 506 and 34 of the Indian Penal Code.

According to the prosecution case, all the accused persons including the petitioners assaulted the informant by means of iron rod on her head due to which she sustained injuries.

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 the date of the occurrence as alleged in the F.I.R. is 11.04.2022 but the present F.I.R. is instituted on 14.04.2022 after delay of 3 days without giving explanation of the same. He further submits that there is admitted land dispute between the parties. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts, in part one there is general and omnibus allegation against all the accused persons including the petitioner and in second part there is specific allegation of assault against these petitioners who assaulted the informant with the iron rod. He further submits that the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt object.

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 Mohiuddinagar P.S. Case No. 76 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, their 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 has 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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