

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57965 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- TARAIYA District- Saran

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1. HARDEO PRASAD @ HARDEO RAUT S/O LATE SURYA PRASAD @ SURYA RAUT Resident of Village- Fenhara Gaddi, P.S.- Taraiya, District-Saran at Chhapra
 2. BECHU PRASAD @ BECHULAL RAUT S/O LATE SAGAR PRASAD @ SAGAR RAUT Resident of Village- Fenhara Gaddi, P.S.- Taraiya, District-Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 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 341, 323, 325, 307, 354, 428, 379, 504, 506 and 34 of the Indian Penal Code.

The petitioners along with others are alleged to have assaulted the informant by means of iron rod and lathi and on protest being made by his wife and daughter, they are also subjected to assault by the petitioners and others and it is further alleged that the petitioners and others have tried to outraged the modesty of wife and daughter of the informant.

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 there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them rather the specific allegation of assault is attributed to the other co-accused. In fact, the alleged occurrence took place on 10.06.2021 whereas the F.I.R. has been lodged on 23.06.2021 after lapse of thirteen days without explaining the delay. He further submits that the present case is a counter version of Taraiya P.S. Case No. 197 of 2021 lodged against the informant by the petitioner No.1. 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.

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 Taraiya P.S. Case No. 203 of 2021, 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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