

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58589 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- DARBHANGA District- Darbhanga

1. Narendra Singh Rathaur @ Narendra Singh Rathore S/O Ramlakhan Singh Rathaur Resident of Mohalla- Imlighat Gullowada, P.S- Town, District- Darbhanga, Bihar
2. Reema Singh W/O Narendra Singh Rathore @ Narendra Singh Rahtore @ Ashutosh Singh Rathore Resident of Mohalla- Imlighat Gullowada, P.S- Town, District- Darbhanga, Bihar
3. Ashutosh Singh @ Ashutosh Singh Rathaur S/O Narendra Singh Rathaur @ Narendra Singh Rathore Resident of Mohalla- Imlighat Gullowada, P.S- Town, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 341, 323, 325, 307 and 34 of the Indian Penal Code.

According to prosecution case, as F.I.R. it is alleged that the brother of the informant namely Srawan Sahni was engaged in construction work of kitchen where the neighbor



Narendra Singh Rathaur arrived and forbade Sarwan Sahni to stop construction work. Thereafter altercation took place. It is further alleged that all the accused-petitioners assaulted the informant and his sons. Accused Ashutosh Singh Rathaur and Abhishekh Singh Rathaur assaulted the informant on head and back.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 08.04.2022 but the present F.I.R. instituted on 07.07.2022 after delay of three months without any explanation of delay. He further submits that due to some petty dispute, the present occurrence has taken place. He further submits that there is case and counter case and both parties are sustained injuries. He further submits that there is no specific allegation of any assault or overt act against the petitioner no.1 and there is specific allegation against petitioner no.2 and 3 that they have assaulted the Munnu Sahni, Kanhaiya Sahni and Shrawan Sahni but the injury report of the injured persons suggest that the injury is simple in nature.

The learned Additional Public Prosecutor 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 within a period of four weeks, be released on anticipatory 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 Darbhanga Town P.S. Case No. 177 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 cancelled 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.

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 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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