

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58931 of 2022

Arising Out of PS. Case No.-258 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. LALAN SWARNKAR @ LALAN KUMAR S/O GORAKH SWARNKAR
 2. ADITYA KUMAR S/O LALAN SWARNKAR @ LALAN KUMAR
Both Residents of village- Ghorasahan, P.S.- Ghorasahan District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in virtual Court

proceeding.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections
341,323,326,354(B), 379,504,506/34 of IPC.

The prosecution case, in short, is that on 13.05.2022
when the family of informant reached in front of house of
accused persons, petitioner Lalan Swarnkar came and started
abusing them and when the informant raised objection,
petitioner Lalan Swarnkar with an intention to commit murder
gave sword blow on the head of informant, which was ward off
and blow hit on his finger, causing cut injury and bleeding.



When the mother of informant came to save the informant, petitioner Aditya Kumar grabbed the hair of mother of informant and dashed her on the ground and assaulted her with fists and leg.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that the present case is counter blast of Ghorasahan P.S.Case No.248 of 2022 filed by the wife of petitioner No.1 against the informant and his family members. Further submits that the allegation as alleged in the FIR is false and fabricated and the injury report of the injured person does not support the allegation as alleged in the FIR.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries one more case other than the present one.

Considering the aforesaid facts, 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 learned court below where the case is pending in connection with Ghorasahan P.S. Case No.



258 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 bonds 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.

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 antecedents, 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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