

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15707 of 2023**

Arising Out of PS. Case No.-754 Year-2022 Thana- SARAIYA District- Muzaffarpur

Ram Bharosh Ray Son Of Mushan Rai R/O Village- Basantpur Patti,
Bakhara, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.11.2022 in connection with Saraiya P.S. Case No. 754 of
2022, F.I.R. dated 15.10.2022 for the offences punishable under
Sections 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian
Penal Code.

According to prosecution case, in brief, is that the
informant Deepak Kumar submitted a written complaint to the
Saraiya police station alleging therein that on the alleged date of
occurrence he went to Sasural of his sister where he saw three
persons including the petitioner assaulted her and the informant
tried to save her in the meantime three other accused persons
assaulted the informant and accused Chandan assaulted the



informant by centering wood and the informant sustained injury by iron nail on the eye as well as it is also alleged that the accused Surendra Rai and Shankar Rai snatched cash of Rs.5,000/- and Bharosh Rai and Chandan Kumar took his motorcycle.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. that the F.I.R. in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation of assault or overt-act is attributed against co-accused person namely, Chandan Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 13.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-



4th (West) Muzaffarpur in connection with Saraiya P.S. Case
No. 754 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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