

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16045 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- RIGA District- Sitamarhi

1. HANSRAJ DAS Son of Mahavir Das @ Mahivir Das R/v- Riga Tole Pipra, P.S.- Riga, District- Sitamarhi
2. HARENDRA DAS @ HARINDRA DAS Son of Hansraj Das R/v- Riga Tole Pipra, P.S.- Riga, District- Sitamarhi
3. NAGENDRA DAS Son of Hansraj Das R/v- Riga Tole Pipra, P.S.- Riga, District- Sitamarhi
4. SUBHAS DAS @ SUBHAS KUMAR Son of Nagendra Das R/v- Riga Tole Pipra, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 24.09.2022 in connection with Riga P.S. Case No.412/2022 dated 23.09.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 120B of the I.P.C.

According to prosecution case, the petitioners along with other co-accused persons are said to have stabbed the father and brother of the informant with an intention to kill them. It is alleged that co-accused namely Uday Das also assaulted the sister of the informant by means of knife as a result of which she became injured and blood was oozing.

Learned counsel for the petitioners submits that petitioners no. 1, 2, 3 have got criminal antecedent but the



petitioner no.4 has got clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that there is specific allegation against co-accused Uday Das, who assaulted with knife to the father and brother of the informant. He further submits that similarly situated co-accused namely Ram Dinesh Singh @ Dinesh Singh has been granted bail vide order dated 17.05.2023 passed in Cr. Misc. No. 14002/2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 24.09.2022.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners on the ground that petitioner no.1 has got two criminal antecedent and the petitioner no.2 and 3 have got one criminal antecedent other than the present one but fairly submits that the petitioner no.4 has clean antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 A.C.J.M.-VI, Sitamarhi in connection with Riga P.S. Case No.412/2022, subject to 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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