

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22388 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- FESHAR District- Aurangabad

1. Rupesh Kumar @ Rupesh Singh S/O- Late Satendra Singh Village- Sohraiya P.S - Fesar District- Aurangabad
2. Rintu Kumar S/O- Late Satendra Singh Village- Sohraiya P.S - Fesar District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since 14.02.2023, in connection with Fesar P.S. Case No. 60 of 2022, F.I.R. dated 01.05.2022 registered for the offences punishable under Sections 307, 379, 341, 323, 324, 504, 506, 147, 148, 149, 34 of the Indian Penal Code.

Allegation against the petitioners is that they along with other co-accused assaulted the informant, his son and wife with iron rod and sword causing injury over head of the victims and also snatched ornaments of his family and cash Rs. 1,00,000/- (one lac).

Learned counsel for the petitioners submits that the



petitioners is innocent and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that petitioners namely Rupesh Kumar and Rintu Kumar have assaulted the wife of the informant by means of iron rod and sword. He further submits that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties and the injury report of Malti Devi reveals that out of three injuries, two injuries are simple in nature and one injury is grievous in nature and the injury report of the son of the informant also suggests that the injury is simple in nature. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 14.02.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carry one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioners are on bail.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case No. 60 of 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 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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