

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32822 of 2023**

Arising Out of PS. Case No.-121 Year-2022 Thana- BARH District- Patna
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1. DEEPAK CHAUHAN @ DEEPAK KUMAR Son of Bilash Chauhan Resident of village - Harauli, P.S. - Barh, Distt. - Patna
2. AKASH KUMAR SON OF BILASH CHAUHAN Resident of village - Harauli, P.S. - Barh, Distt. - Patna
3. PARMANAND CHAUHAN SON OF TUNAK CHAUHAN Resident of village - Harauli, P.S. - Barh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Suraj Kumar
For the Opposite Party/s : Mr.Anish Chandra
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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 17-10-2023 Heard Mr. Suraj Kumar, learned counsel for the
petitioners and Mr. Anish Chandra, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barh P.S. Case No.121 of 2022 registered for the offence under Sections 341, 323, 324, 325, 307, 379 and 504/34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant by means of lathi and pistol and snatched Rs. 150000/- from his pocket.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner No.2 and 3 are



having clean antecedent and petitioner No.1 carries one case other than the present one in which he is on bail. 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. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 01.03.2022 whereas the instant F.I.R. has been lodged on 06.03.2022 after five days without any explanation which is an afterthought of the informant. He further submits that no specific allegation of assault or any overt act is attributed to the petitioners rather there is general and omnibus allegation is leveled against them.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.1 carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Additional Chief Judicial Magistrate-I, Barh, Patna in connection with Barh P.S. Case No. 121 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 canceled 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 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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