

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34225 of 2023

Arising Out of PS. Case No.-244 Year-2020 Thana- PHULPARAS District- Madhubani

1. RAJESH KUMAR @ RAJESH RAM Son of Jagnarayan Ram @ Jagat Narayan Ram Resident of village - Phulkahi, P.S.- Phulparas, District - Madhubani.
2. Jagat Narayan Ram @ Jagat Narayan Ram @ Jay Narayan Ram @ Jagnarayan Ram Son of Sohabir Ram Resident of village - Phulkahi, P.S.- Phulparas, District - Madhubani.
3. Sohbir Ram @ Sobbir Ram Son of Late Manik Ram Resident of village - Phulkahi, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and the State.

The petitioners are apprehending arrest in connection with Phulparas P.S. Case No. 244 of 2020 instituted under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code lodged on 1.6.2020 by the informant, Anil Kr. Choupal.

As per the prosecution story, the allegation is of assault on the informant's side and the main allegation is against Vishnudev Ram and Mukesh Ram of giving 'Farsa' and 'Tengari' blow on the informant's side causing injuries to Kapleshwar Choupal and Ram Bhajan Choupal as also Rahul Choupal.



Learned counsel for the petitioner submits that so far as these petitioners are concerned, omnibus allegation is there of assault as also snatching of the amount.

The further case of the petitioners is/are that the occurrence is of 21.5.2020 whereas the FIR was lodged on 1.6.2020.

Learned APP opposes the prayer.

Taking into account the aforesaid fact as also that there is omnibus allegation against these petitioners and there is delay of 10 days in lodging of the FIR, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, in connection with Phulparas P.S. Case No. 244 of 2020 to the satisfaction of learned A.C.J.M.-III, Jhanjharpur, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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