

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35252 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- MADHUBAN District- East Champaran

1. Asharfi Rai Son Of Late Bochu Rai Resident Of Village - Tikam, P.S. - Madhuban, Distt. - East Champaran
2. Sharda Devi Wife Of Ashrafi Rai Resident Of Village - Tikam, P.S. - Madhuban, Distt. - East Champaran
3. Shashi Bhushan Rai Son Of Ashrafi Rai Resident Of Village - Tikam, P.S. - Madhuban, Distt. - East Champaran
4. Ramavati Devi Wife Of Shashi Bhushan Rai Resident Of Village - Tikam, P.S. - Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Karandeep Kumar, learned counsel for the petitioners and Mr. Yogendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhuban P.S. Case No. 125 of 2022, F.I.R. dated 27.03.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, some altercation took place between the husband of the informant and the accused persons including these petitioners and thereafter, all



the accused persons assaulted the husband of the informant on his head and chest with lathi-danda, rod and khanti and due to which he sustained severe injuries resulting into his death.

4. Learned counsel for the petitioners submits that petitioners are innocent 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 offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that petitioner nos. 1 and 2, namely, Ashrafi Rai and Sharda Devi are the parents of the deceased, petitioner no. 3, namely, Shashi Bhushan Rai is the brother of the deceased and petitioner no. 4, namely, Ramavati Devi is the sister-in-law of the deceased and there was no intention to kill the deceased and due to some family dispute the present occurrence has taken place.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances,



let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, East Champaran in connection with Madhuban P.S. Case No. 125 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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