

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40380 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- TARARI District- Bhojpur

1. Amarjeet Singh Son of Devmuni Ram Resident of village- Jethwar, Police Station- Tarari, District- Bhojpur
2. Indrajeet Son of Devmuni Ram Resident of village- Jethwar, Police Station- Tarari, District- Bhojpur
3. Babu Ratankumar Son of Devmuni Ram Resident of village- Jethwar, Police Station- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantam Shivam, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 28.01.2023 in connection with Tatrari P.S. Case No. 15 of 2023, F.I.R. dated 28.01.2023 for the offences punishable under Sections 447, 341, 323, 307, 504, 506, 34 of the Indian Penal Code and later on Section 302 of I.P.C. was added.

3. According to prosecution case, in short, is that on 26.01.2023 at about 07:00 pm, two accused persons in drunken state came and forced informant's husband to play indecent music and on objection, they came back along with other accused persons and physically assaulted the informant's husband. It is further alleged that on shouting when the



informant's family came to rescue, then petitioners along with other accused persons assaulted the informant's son and daughter and caused grievous injury.

4. Learned counsel for the petitioners submits that petitioner no.1 namely, Amarjeet Singh carries two criminal antecedent, petitioner no.2 namely, Indrajeet carries one criminal antecedent and petitioner no.3 namely, Babu Ratankumar carries two criminal antecedents other than the present one. He further submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the date of occurrence as alleged in the F.I.R. is 26.01.2023 but the present F.I.R. has been instituted on 28.01.2023 after delay of two days without any explanation of delay. He further submits that similarly situated, co-accused, namely, Abhishek Kumar against whom the similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. No. 35506 of 2023, another co-accused namely, Urmila Devi and Mina Devi has been granted anticipatory bail



by a co-ordinate Bench of this Hon'ble Court vide order dated 21.07.2023 passed in Cr. Misc. No.35835 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners on 15.04.2023 and the petitioners are in judicial custody since 28.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against these petitioners that they have assaulted the victim with common intention and apart from the aforesaid, the petitioner no.1 namely, Amarjeet Singh carries two criminal antecedent, petitioner no.2 namely, Indrajeet carries one criminal antecedent and petitioner no.3 namely, Babu Ratankumar carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Tarari P.S. Case No. 15 of 2023, 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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