

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36512 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- DHANAHA District- West Champaran

RAMAYAN PATEL S/O LATE BIRJHAN PATEL R/O Village. Banvariya,
PS. Dhanaha, Dist. West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36606 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- DHANAHA District- West Champaran

MAHENDRA PATEL SON OF LATE BIRJHAN PATEL RESIDENT OF
VILLAGE- BANVARIYA, POLICE STATION- DHANAHA, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36512 of 2023)

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 36606 of 2023)

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State in both the applications.

2. The petitioners seek bail in connection with

Dhanaha P.S.Case No.275 of 2022, F.I.R. dated 23.11.2022

registered for the offence punishable under Section 147, 148,

324, 149, 341, 323, 324, 325, 307, 427, 379, 506 of the Indian



Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons inflicted sharp edged weapon over the head of the informant by which he sustained three injuries.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that due to previous dispute the petitioners have falsely been implicated in the present case. Further submits that it appears from the FIR that there is no specific allegation of any assault or overt-act attributed against both the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner-Ramayan Patel is in custody since 14.12.2022 and petitioner-Mahendra Patel is in custody since 03.04.2023 respectively.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioners and submits that the petitioners were involved in the present crime in question. Further submits that petitioner-Ramayan Patel carries one more



case and petitioner-Mahendra Patel carries two more cases other than the present one but fairly submits that both the petitioners are on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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 learned Judicial Magistrate 1st Class, Bagaha, West Champaran in connection with Dhanaha P.S.Case No.275 of 2022, with the 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 tamper 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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