

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43063 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- RASULPUR District- Saran

RAVI SAH SON OF SATISH SAH RESIDENT OF VILLAGE- ASAHANI
TOLA BANSHI CHAPRA, JOGIA, PS- RASULPUR, DISTT -SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43247 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- RASULPUR District- Saran

UJJAWAL SHARMA @ UJJAWAL KUMAR SHARMA Son of Sanjay
Sharma Resident of Village - Jogia, P.S.- Rasulpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43063 of 2023)

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 43247 of 2023)

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-08-2023 1. Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 08.03.2023 seek
bail in connection with Rasulpur P.S. Case No.49/2023 dated
08.03.2023, registered for the offences punishable under Sections
302, 379/34 of the I.P.C.
3. According to prosecution case, the petitioner along with



four named accused persons and two dozen unknown persons have assaulted the informant's uncle and others brutally due to which the informant's uncle died on way to hospital.

4. Learned counsel for the petitioners submits that the petitioner no.1 has clean antecedent and the petitioner no.2 has carried one antecedent other than the present one and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that co-accused namely Sushil Kumar Singh @ Sushil Singh @ Subil Singh has been granted bail vide order dated 31.07.2023 passed in Cr. Misc. No.45173/2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 08.03.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.2 has carried one antecedent other than the present one but fairly submits that the petitioner no.1 has clean antecedent.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 Ms. Kriti, J.M.1st class, Chapra in connection with Rasulpur P.S. Case No.49/2023, 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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