

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45388 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- MADHAURAH District- Saran

1. Jitendra Prasad son of Late Harenath Prasad Village- Marhowrah Khurd Ps- Marhowrah Dist- Saran
2. Rambabu Prasad son of Late Harenath Prasad Village- Marhowrah Khurd Ps- Marhowrah Dist- Saran
3. Shambhu Prasad son of Kedar Prasad Village- Marhowrah Khurd Ps- Marhowrah Dist- Saran
4. Amit Kumar son of Late Rameshwar Prasad @ RAM ISHWAR PRASAD Village- Marhowrah Khurd Ps- Marhowrah Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 12.05.2023 in connection with Marhowrah P.S. Case No. 243 of 2023, F.I.R. dated 11.05.2023 for the offences punishable under Sections 147, 341, 323, 324, 307 and 504 of the Indian Penal Code.

3. According to prosecution case, co-villager of the petitioners was said to have been assaulted physically by some persons.

4. Learned counsel for the petitioners submit that petitioners are innocent and they have falsely been implicated in the present case. He further submits that allegations as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and the injury report of the injured persons suggests that all the injuries were caused by hard and



blunt object, is simple in nature. He further submits that there is case and counter-case between the parties, and both the parties are agnates and due to admitted land dispute, the present occurrence has taken place. He further submits that both the sides have sustained injuries in the present occurrence and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 12.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submit that there is direct and specific allegation against these petitioners that they have assaulted the family members of the informant and caused injuries but fairly submits that all the injuries received by the family members of the informant except injury no. 1, is simple in nature, caused by hard and blunt substance. He further submits that the petitioners carry one antecedent each 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Marhowrah P.S. Case No. 243 of 2023, subject to 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 his



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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