

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57625 of 2023

Arising Out of PS. Case No.-187 Year-2021 Thana- DERNI BAZAR District- Saran

1. Bhanu Rai Son Of Vijay Rai Resident Of Village- Khajauli, Ps- Derni, District -SARAN
2. Shiv Rai @ Shivji Rai Son Of Bhola Rai Resident Of Village- Khajauli, Ps- Derni, District -SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 05.06.2023 in connection with Derni P.S. Case No. 187 of 2021, F.I.R. dated 09.11.2021 for the offences punishable under Sections 341, 323, 324, 325, 307, 427, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant is alleged to have been abused and assaulted by the petitioners due to old land dispute between them.

4. Learned counsel for the petitioners submit that petitioners are innocent and they have falsely been implicated in



the present case and due to admitted land dispute, the present occurrence has taken place. He further submits that from bare perusal of the F.I.R., it appears that there is no accusation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegations. He further submits that there is specific allegation against co-accused person, namely, **Shailesh Rai** who has assaulted to the informant with **Farsa**, due to which, informant has sustained injury. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 05.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carry one criminal antecedent other than the present one but fairly submits that the petitioners are on bail in the pending case.

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 Judicial Magistrate – Ist Class, Saran at Chapra, in connection with Derni P.S. Case No. 187 of 2021, 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 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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