

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58820 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- BISHUNPUR District- Darbhanga

1. Damodar Ram Son Of Saryug Ram Resident Of Village/Mohalla- Rampur Dih, Ps- Bishanpur, Distt- Darbhanga
2. Karan Ram Son Of Damodar Ram Resident Of Village/Mohalla- Rampur Dih, Ps- Bishanpur, Distt- Darbhanga
3. Arjun Ram S/O Damodar Ram Resident Of Village/Mohalla- Rampur Dih, Ps- Bishanpur, Distt- Darbhanga
4. Asharphi Ram S/O Saryug Ram Resident Of Village/Mohalla- Rampur Dih, Ps- Bishanpur, Distt- Darbhanga
5. Gajendra Ram S/O Asharfi Ram Resident Of Village/Mohalla- Rampur Dih, Ps- Bishanpur, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Ashwani Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Heard Mr. Kedar Jha, learned counsel for the petitioners, Mr. Ashwani Kumar Tiwary, learned counsel appearing on behalf of the informant as well as Mr. Bharat Lal, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seek permission to withdraw this application with respect to petitioner no. 1, namely, Damodar Ram.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as



withdrawn with respect to petitioner no. 1, namely, Damodar Ram.

5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Bishanpur P.S. Case No. 157 of 2023, F.I.R. dated 10.12.2022 for the offences punishable under Sections 147, 341, 323, 325, 308, 354B, 379/34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including these petitioners assaulted the family members of the informant causing them injury.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Bishanpur P.S. Case No. 132 of 2022. He further submits that both sides sustained injuries. He further submits that as per the F.I.R the petitioners have assaulted the family member of the informant. He further submits that from perusal of the F.I.R it appears that there is specific allegation against the co-accused, Damodar Ram and there is no specific allegation of any assault or overt act attributed against the petitioners.

8. The learned counsel appearing on behalf of the



informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are not named in the F.I.R and there is allegation that they have also assaulted the family member of the informant.

9. Considering the aforesaid facts and circumstances that there is no specific allegation of assault or overt act attributed against these petitioners and the petitioners have clean antecedent and there is case and counter case between the parties, let the petitioners, above named, (except petitioner no. 1) in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Darbhanga in connection with Bishanpur P.S. Case No. 157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 tampers 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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