

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60258 of 2023**

Arising Out of PS. Case No.-102 Year-2023 Thana- BATHNAHA District-
Sitamarhi

- =====
1. SUBHASH SINGH S/O MAHESHWAR SINGH R/O VILLAGE- SONBARSA,
P.S- BATHNAHA, DISTT.- SITAMARHI.
 2. RIPU SINGH S/O TAPESHWAR SINGH R/O VILLAGE- SONBARSA, P.S-
BATHNAHA, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Ravi Ranjan, learned counsel for the

petitioners and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Bathnaha P.S. Case No. 102 of 2023 dated 21.03.2023
registered for the offence under Sections 447, 341, 323, 307, 379,
504/34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the
informant and his family members causing injury upon the
father of the informant.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits



that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 08.03.2023 whereas the instant F.I.R. has been lodged on 21.03.2023 after twelve days without any explanation. He further submits that it appears from the F.I.R. that the petitioners have caught hold the father of the informant and one Lalu Singh has assaulted him on his head by way of bamboo and there is no specific allegation of assault is attributed to the petitioners. Moreover, co-accused, shantu Singh @ Shantanu Singh has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 49688 of 2023 and the case of these petitioners stands on similar footing.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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, Sitamarhi in connection with Bathnaha P.S. Case No. 102 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as



also with 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 canceled 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.

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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