

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58299 of 2023**

Arising Out of PS. Case No.-420 Year-2023 Thana- NAUBATPUR District-
Patna

- =====
1. VIJAY RAI @ VIJAY PRASAD S/o- LATE VILAS RAI Village- Reghaniya Bagh Ps- Naubatpur Dist- Patna
 2. RAHUL KUMAR son of Vijay Rai @ Vijay Prasad Village- Reghaniya Bagh Ps- Naubatpur Dist- Patna
 3. CHUNNU KUMAR son of Vijay Rai @ Vijay Prasad Village- Reghaniya Bagh Ps- Naubatpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Anand, Adv. Mr. Danish Sami, Adv. Mr. Huma Siddique, Adv
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr. Saket Anand, learned counsel for the

petitioners and Mr. Uma Shankar Prasad Singh, learned A.P.P. for

the State.

The petitioners apprehend their arrest in connection
with Naubatpur P.S. Case No. 420 of 2023 registered for the
offence under Sections 341, 342, 323, 307, 504, 506/ 34 of the
Indian Penal Code and Section of the Arms Act.

The petitioners along with their associates are alleged
to have assaulted the informant and his companions by means of
lathi, danda, iron rod and knife causing them deadly injuries.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to dirty village politics. He further submits that due to admitted land dispute with respect to pathway, present occurrence took place. He further submits that on bare perusal of the F.I.R., it appears that the allegation of firing is attributed to the co-accused, Mukul Kumar and co-accused Chunnu Kumar has assaulted the cousin brother of the informant by iron rod. He further submits that there is no accusation of assault or any overt act attributed to the petitioners rather there is general and omnibus allegation leveled against the accused persons including the petitioners. Therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but they are on bail in the pending case.

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 Additional Chief Judicial Magistrate-VI,



Danapur in connection with Naubatpur P.S. Case No. 420 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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