

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61406 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- KESARIA District- East Champaran

1. Prabhu Rai @ Prabhu Rai Yadav Son Of Late Janak Rai Yadav Resident Of Village -RAJPUR Tola, Ganeshpur, Ps- Kesariya, Distt- East Champaran
2. Ram Bichar Rai Son Of Prabhu Rai @ Prabhu Rai Yadav Resident Of Village -RAJPUR Tola, Ganeshpur, Ps- Kesariya, Distt- East Champaran
3. Babludeo Yadav Son Of Amirka Rai Resident Of Village -RAJPUR Tola, Ganeshpur, Ps- Kesariya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Kesariya PS Case No. 101 of 2023, registered for the offences punishable under Sections 341, 323, 324, 379, 307, 354-B, 504, 506 and 34 of the Indian Penal Code.

3. According to the FIR, petitioners assaulted the informant and his mother and father. It is further alleged that petitioners also snatched RS. 25,000/- from the pocket of the father of informant.

4. Learned counsel for the petitioners submits that



petitioners have got clean antecedent and they have been falsely implicated in this case. There is case and counter case. Both sides sustained injuries. Though there is allegation of assault by sharp edged weapon, but as per the injury report, the injury caused by hard and blunt substance. Injuries sustained by the injured are simple in nature.

5. Learned APP for the State on the other hand vehemently opposes the prayer for bail.

6. Considering the facts and circumstances of the case and clean antecedent, let the petitioners above named, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Kesariya P.S. Case No. 101 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further 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 bonds shall be liable to be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witness, in that case, 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 antecedents, the court below shall take step for cancellation of bail bonds 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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