

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64666 of 2023

Arising Out of PS. Case No.-239 Year-2023 Thana- ROH District- Nawada

1. MAHENDRA PRASAD Son of Late Bhuneshwar Rawat R/o Vill - Ratoi, P.S. - Roh, Distt. - Nawada
2. VIKKI RAWAT @ SHASHIKANT KUMAR S/o BRIJNANDAN PRASAD @ BRIJNANDAN RAUT Vill - ward no. 19, Balwapar, P.S. - Warisaliganj, Distt. - Nawada
3. CHHOTU KUMAR @ CHHOTU ROUT S/o BRIJNANDAN PRASAD @ BRIJNANDAN RAUT R/o vill - ward no. 19, Balwapar, P.S. - Warisaliganj, Distt. - Nawada
4. SONU KUMAR @ SONU ROUT S/o SHAMBHU MANDAL R/o vill- Jitzingoi, P.S. - Khaira, Distt. - Jamui
5. RAJESH KUMAR @ RAJESH RAWAT S/o VRAJ NANDAN MAHTO R/o vill - Adampur, Samharigarh, P.s. - Roh, Distt. - Nawada
6. RAHUL KUMAR @ RAHUL RAWAT @ BODA S/o SURESH RAWAT R/o vill - Ratoi, P.S. - Roh, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
For the Informant	:	Mr. Kumud Kishore, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Mrigank Mauli, learned senior counsel for the petitioners, Mr. Kumud Mishra, learned counsel appearing on behalf of the Informant and Mr. Satya Nand Shukla, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Roh P.S. Case No. 239 of 2023, F.I.R. dated 29.06.2023 registered for the offences punishable under



Sections 341, 323, 448, 504, 354(B), 307, 379, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons entered into the house of the informant and beated every one mercilessly due to which the informant, his son, wife and daughter sustained injury and also there is specific allegation of hitting the head of the informant and his son.

4. Learned Senior counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that due to common passage the present occurrence had taken place and the present case is counter blast of Roh P.S. Case No. 238 of 2023 filed by the petitioner namely Mahendra Prasad against the informant and his family members. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is general and omnibus allegation against the accused persons including the petitioners and in the second part, there is specific allegation is against co-accused Mahendra Prasad who has assaulted the son and husband of the informant but the injury report of the son and husband of the informant suggests that although they have received injury but the injury



of them is simple in nature caused by hard and blunt substance.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that from perusal of the F.I.R. it appears that there is specific allegation against the petitioners that they have assaulted the family members of the informant but fairly submits that the injury report suggests that the injury is simple in nature caused by hard and blunt substance.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Nawada in connection with Roh P.S. Case No. 239 of 20203, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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