

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70870 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- DUMRAO District-
Buxar

- =====
1. ASHOK SINGH S/O LATE VISHWANATH SINGH VILLAGE- NAYA BHOJPUR, PS. DUMRAON (NAYA BHOJPUR O.P.) DIST. BUXAR
 2. VIKASH SINGH @ VIKASH KUMAR SINGH S/O VIJAY KUMAR SINGH @ VIJAY KUSWAHA VILLAGE- NAYA BHOJPUR, PS. DUMRAON (NAYA BHOJPUR O.P.) DIST. BUXAR
 3. MANJAY KUMAR YADAV @ MANJAY YADAV S/O JHABU YADAV VILLAGE- NAYA BHOJPUR, PS. DUMRAON (NAYA BHOJPUR O.P.) DIST. BUXAR
 4. BINOD KUMAR @ VINOD KUSHWAHA S/O JAKHU SINGH VILLAGE- NAYA BHOJPUR, PS. DUMRAON (NAYA BHOJPUR O.P.) DIST. BUXAR
 5. PRAKASH KUMAR SINGH @ PRAKASH SINGH S/O VIJAY KUSWAHA @ VIJAY KUMAR SINGH VILLAGE- NAYA BHOJPUR, PS. DUMRAON (NAYA BHOJPUR O.P.) DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan deo Yadav, Adv.
Mr.Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, Adv.
Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Gagan Deo Yadav, learned counsel for the

petitioners and Mr. Anil Prasad Singh, learned A.P.P. for the

State.

At the outset, learned counsel for the petitioners
seeks permission to withdraw this application with respect
to petitioner Nos. 2 and 3.

Permission, as sought for, is accorded.



Accordingly, this application is dismissed as withdrawn with respect to petitioner Nos. 2 and 3 only.

The petitioners apprehend their arrest in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 250 of 2023 registered for the offence under Sections 341, 323, 379, 307, 504, 506/34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the informant by means of fists, slaps, lathi, danda and during the assault, co-accused snatched the wrist watch, golden chain and cash from the pocket of the informant.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that all petitioners are having clean antecedent except petitioner No.4, namely, Binod Kumar @ Vinod Kushwaha who owns one more case other than the present case. He further submits that it appears from the F.I.R. itself that there is no specific allegation of assault or overt act is attributed to the petitioners rather there is general and omnibus allegation leveled in the F.I.R. against them. He further submits that in the scuffle between the parties, both side have sustained injuries for which case and counter case have been lodged by



the parties. He further submits that according to the F.I.R., specific allegation of assault is attributed to the co-accused, Kamal Bas and Manjay Yadav who allegedly assaulted the informant by iron rod causing injury to him.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that there is allegation of assault alleged in the F.I.R. against the petitioners.

Considering the facts and circumstances of the case and the fact that there is no specific allegation of assault attributed to the petitioners and there is case and counter case between the parties, let the, above named, petitioner, in the event of his 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 C.J.M., Buxar pending in connection with Dumraon (Naya Bojpur O.P.) P.S. Case No. 250 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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