

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68651 of 2022**

Arising Out of PS. Case No.-636 Year-2022 Thana- LAKHISARAI District- Lakhisarai

1. Suchit Kumar S/o Anil Chauhan R/v- Beldariya (Aure), P.S.- Ramgarh Chowk, District- Lakhisarai
2. Santu Kumar S/o Kaleshwar Chauhan @ Kameshwar Chauhan R/v- Beldariya (Aure), P.S.- Ramgarh Chowk, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      27-03-2023                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioners seek bail in a case registered for the  
offences punishable under Sections 147, 148, 149, 341, 323, 379  
and 307 of the Indian Penal Code and Section 27 of the Arms  
Act.

According to prosecution case, all the accused persons  
including these petitioners armed with deadly weapon  
surrounded the cousins of the informant and assaulted the one



Lalit Chauhan and also snatched the gold chain and a mobile due to which Lalit Chauhan sustained injuries.

Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner no. 2 carries one criminal antecedent other than the present one. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the 12 accused persons including these petitioners. He further submits that there no specific allegation of assault or overt act against the petitioner no. 1, namely, Suchit Kumar and at best the petitioner no. 1 is the member of unlawful assembly and as far as the allegation of the petitioner no. 2 is concerned, it is alleged that the petitioner no. 2, namely, Santu Kumar assaulted one Lalit Chauhan by means of iron rod. He further submits that the allegation against the petitioner no. 2 that he has assaulted the Lalit Chauhan on his hand and the hand of the Lalit Chauhan is broken from the assault of the petitioner no. 2, namely, Santu Kumar. He further submits that the injury of Lalit Chauhan is not on the vital part of the body, so there is no case made out under Section 307 of the Indian Penal Code. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 01.08.2022.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Court below where the case is pending in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No. 636 of 2022, subject to 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 cancelled 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.

3. 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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