

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4028 of 2023

Arising Out of PS. Case No.-267 Year-2022 Thana- NAUTAN District- West Champaran

1. AKBALI DAS
2. MUKHDEO DAS
Both are sons of Chandrika Das.
Both are R/v- Gahiri Muraliya Tola, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr.Advocate
	:	Mrs.Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 26-06-2023 Heard Mr. Yogesh Chandra Verma, learned senior counsel appearing for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 22.09.2022 in connection with Nautan P.S.Case No.267 of 2022, F.I.R. dated 15.05.2022 registered for the offence punishable under Sections 324,323,341,379,504 and 506/34 of the Indian Penal Code.

Allegation against petitioner No.1 is that he gave single Garasi blow on the head of Rinki Kumari and allegation against the petitioner No.2 is that he gave single Bhala blow on the stomach of Lalita Devi.



Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits that there is case and counter case between the parties and both sides have sustained injury in the same occurrence and the allegation against petitioner No.1 is that he has given single Garasi blow on the head of Rinki Kumari but the injury report of Rinki Kumari does not support the allegation as alleged in the FIR and allegation against the petitioner No.2 is that he has given single Bhala blow on the stomach of Lalita Devi but there is no any repetition of blow and the nature of injury is simple in nature and the injury of Lalita Devi is reserved. Further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 22.09.2022.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioners and submits that there is direct allegation against the petitioners is that they have assaulted the victims.

Considering the aforesaid fact, 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 learned Chief Judicial



Magistrate, West Champaran, Bettiah in connection with Nautan
P.S.Case No.267 of 2022, 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 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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