

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75818 of 2023

Arising Out of PS. Case No.-170 Year-2020 Thana- BAHERI District- Darbhanga

1. RISHIKESH LAL DEV @ RISHIKESH KUMAR LALE S/O DURGANAND LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
2. SUBODH LAL DEV S/O BABU SAHEV LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
3. SUJIT LAL DEV S/O BABU SAHEB LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
4. BABU SAHEB LAL DEV S/O NARAYAN LAL DEV @ LATE AJAB NARAYAN LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
5. RANJAN LAL DEV S/O NARAYAN LAL DEV @ LATE AJAB NARAYAN LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
6. AMAR NATH LAL DEV S/O RANJAN LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA
7. AASO LAL DEV @ AASHO LAL DEV S/O LATE DEV NARAYAN LAL DEV R/O VILL - ATAHAR, P.S. - BAHERI, DIST - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Nilendu Kumar Choudhary, learned counsel for the petitioners and Mr. Ram Bilash Roy Raman, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Baheri P.S. Case No. 170 of 2020, F.I.R. dated 12.07.2020 registered for the offences punishable under



Sections 147, 148, 341, 342, 323, 324, 325, 379, 354, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the son of the informant by means of farsha as a result of which his head got injured and when her daughter-in-law came to protect accused persons namely Dilip Laldev and Durganand Laldev both started to assault by means of iron rod, farsha, lathi and brick resulting injury caused to the entire family.

4. Learned 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 from perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioners and there is specific allegation against co-accused persons namely Rishikesh and Rishiraj that they have assaulted the son of the informant and co-accused person namely Rishiraj Lal Deo @ Rishi Raj Kumar Lal has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 07.01.2022 passed in Cr. Misc. No. 9825 of 2021. He further submits that the police after investigation submitted final form in favour of the petitioners but the learned Court



below differing the report of the police has taken cognizance vide order dated 02.08.2022 against these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case that co-accused persons against whom the allegation of assault has been granted the privilege of anticipatory bail and the police has submitted final form as well as petitioners having clean antecedents, 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 Additional Chief Judicial Magistrate-VIIth, Darbhanga in connection with Baheri P.S. Case No. 170 of 2020, 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 tamper 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 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 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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