

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73333 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- NTPC District- Patna

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1. SIDHESHWAR SAO SON OF LATE SARYUG SAO R/O VILLAGE- RAICE, P.S.- NTPC, DISTRICT- PATNA
 2. RAJESH KUMAR @ RAJESH SAO SON OF SRI SIDHESHWAR SAO R/O VILLAGE- RAICE, P.S.- NTPC, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manglam, Adv.

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 19.08.2022 in connection with NTPC P.S. Case No.25/2022, FIR dated 18.03.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the I.P.C.

According to prosecution case, the petitioners along with other accused persons have assaulted the informant and his sister by means of lathi. The petitioner Rajesh Kumar @ Rajesh Sao gave a rod blow on the head of the informant due to which he got head injury.



Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact the petitioners and the informant are agnates and there is admitted land dispute between them. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act against the petitioner no.1, namely Sidheshwar Sao. There is allegation against the petitioner no.2, namely, Rajesh Kumar @ Rajesh Sao, who assaulted with iron rod to the informant Pawan Kumar but the injury report of Pawan Kumar recorded reserved for C.T. Scan and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 19.08.2022.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, 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 1st Additional Chief Judicial Magistrate, Barh, Patna in connection with NTPC P.S. Case No. 25/2022, 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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