

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78574 of 2023

Arising Out of PS. Case No.-601 Year-2015 Thana- LAKHISARAI District- Lakhisarai

1. BINOD RAM SON OF BISHESHWAR RAM R/O VILLAGE-
NABABGANJ, P.S.- SURAJGARHA, DISTRICT- LAKHISARAI
2. VIJAY RAM SON OF LATE JHULO RAM R/O VILLAGE-
NABABGANJ, P.S.- SURAJGARHA, DISTRICT- LAKHISARAI
3. KABALI RAM @ PATALI RAM SON OF LATE JHULO RAM R/O
VILLAGE- NABABGANJ, P.S.- SURAJGARHA, DISTRICT-
LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Lakhisarai P.S. Case No. 601 of 2015 instituted under under Sections 147, 149, 353 and 332 of the Indian Penal Code lodged on 02.09.2015 by the informant, Parmanand Chaudhary.

3. As per the prosecution story, the police officer has alleged that after recovery of the minor girl when she was being taken to the Civil Court, Lakhisarai for her statement under Section 164 of the Cr.P.C., the relatives/petitioners herein with hundreds of others created nuisance demanding her release and



they did not want her to make statement under Section 164 of the Cr.P.C. In the process, they pelted stones upon the police which also caused injury, accordingly to the FIR.

4. Learned counsel for the petitioners submits that the entire family members have been roped in which includes these petitioners, they are innocent had no role to play in the matter and further, irrespective of the outcome of the present case and/or accepting the allegation, each of them are ready to pay Rs. 5000/- each to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that they have created nuisance inside the Civil Court, Lakhisarai which is serious.

6. It is unfortunate when the police is doing their duties and upon the recovery of the girl was taking her to make statement under 164 of the Cr.P.C, the relatives including these petitioners created nuisance, as per the allegations. However, none of them have criminal antecedent and the FIR lodged, ultimately they will be facing the trial, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 5,000/- to the Chief Minister's Relief Fund as undertaken by the learned counsel for the petitioner.

7. Let the petitioners be released on bail, in the event



of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Lakhisarai Case No. 601 of 2015 to the satisfaction of learned Judicial Magistrate, 1st class, Lakhisarai subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds.

(Rajiv Roy, J)

Adnan/-

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