

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75756 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- BHORE District- Gopalganj

1. Rajdeo Ram @ Rajdev Ram Son of Late Bhabhishan Ram R/o vill - Parasahi, P.S. - Bhore, Dist. - Gopalganj
2. Bablu Ram Son of Rajdeo Ram @ Rajdev Ram R/o vill - Parasahi, P.S. - Bhore, Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Lokesh Kumar Singh, learned counsel for the petitioners as well as Mr. Aditya Narayan Singh.1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhore P.S. Case No. 259 of 2023, F.I.R. dated 02.06.2023 for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons have assaulted the informant and his brother with sharp edged weapon causing injury on eye and head and also snatched chain and Rs. 20,000/- from them.

4. 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 the present case is the counter blast of Bhore P.S. Case No. 258 of 2023 filed by the family members of the petitioners against the informant and his family members. He further submits that it appears from the F.I.R that there is admitted land disputes between the parties and the present occurrence has taken place where both the sides have sustained injuries. He further submits that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including the petitioners and according to part two, there is specific allegation against the petitioners that they have assaulted the informant and his brother and the injury report of the informant suggest that the injury is simple in nature but the injury report of the brother of the informant suggest that the injury is grievous in nature. He further submits that the brother of the informant had received one injury but as per the allegation in the F.I.R both the petitioners have assaulted the informant's brother.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners



that they have assaulted the informant and his brother and the injury report of the brother of the informant suggest that the injury received by him is grievous in nature.

6. Considering the aforesaid facts and circumstances that there is case and counter case between the parties and the petitioners have clean antecedent, let the petitioners, above named, in the event of 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No. 259 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. 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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