

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7271 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Amit Kumar S/O Sanjay Thakur Village- Sirsa, Ps. Muffasil, Dist. East Champaran.
 2. Prince Kumar S/O Lalbabu Thakur Village- Sirsa, Ps. Muffasil, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Anil Prasad Singh, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Muffasil P.S. Case No. 489 of 2023, F.I.R.
dated 09.07.2023 for the offences punishable under Sections
341, 323, 324, 325, 307, 379 and 34 of the Indian Penal Code
and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. According to prosecution case, petitioners are said
to have assaulted the son of the informant by means of iron rod
and knife.

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 from bare perusal of the FIR it appears that petitioner no.1 has given iron rod blow on the head of the son of the informant. He further submits that although the son of the informant received injury but the injury report of the son of the informant, namely, Abhinay Kumar @ Chhotu Kumar suggests that the injury attributed by the petitioner no.1 is simple in nature. He further submits that there is no specific allegation of any assault or overt act is attributed against the petitioner no.2.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P.S. Case No. 489 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 bonds 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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