

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9865 of 2024

Arising Out of PS. Case No.-347 Year-2023 Thana- RANIYATALAB District- Patna

1. Vikash Thakur Son Of Naresh Thakur Resident Of Village- Saidabad, Ps- Rani Talab, Dist- Patna
2. Mukesh Thakur Son Of Naresh Thakur Resident Of Village- Saidabad, Ps- Rani Talab, Dist- Patna
3. Shiv Shankar Thakur @ Shiv Shankar Kumar Son Of Vikash Thakur Resident Of Village- Saidabad, Ps- Rani Talab, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Shashi Kant, learned counsel for the petitioners and Mr. Fahimuddin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rani Talab P.S. Case No. 347 of 2023, F.I.R. dated 15.10.2023 for the offences punishable under Sections 341, 323, 307, 354, 354(B), 379 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have come assaulted son and husband of the informant. It is further alleged that Vikash Thakur tried to outrage the modesty of the informant.

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 the date of occurrence as alleged in the FIR is 11.10.2023 but the present FIR instituted on 15.10.2023 after delay of four days without giving any explanation of delay. He further submits that as per the allegation in the FIR the petitioners have assaulted the husband and son of the informant, namely, Onkar Saw and Vishal Kumar. He further submits that although they have received injury but the injury report of the husband and son of the informant suggests that the injuries found upon them are found simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners having clean antecedent and the injuries found upon the victims are simple in nature caused by hard and blunt substance, 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 Judicial Magistrate, 1st Class, Danapur in connection with Rani Talab P.S. Case No. 347 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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