

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9643 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- BARHARA District- Bhojpur

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1. Mohit Kumar @ Mohit Rai S/O- Late Ram Bachan Rai R/O- Village- Gundi, Jai Lal Ke Tola, P.S.- Barhara (Krishnagarh), Dist.- Bhojpur.
 2. Vikash Kumar @ Vikash Rai S/O- Sita Ram Rai R/O- Village- Gundi, Jai Lal Ke Tola, P.S.- Barhara (Krishnagarh), Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Ravindra Kumar, learned counsel for the petitioners as well as Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barhara (Krishnagarh) P.S. Case No. 315 of 2023, F.I.R. dated 27.05.2023 for the offences punishable under Sections 147, 148, 149, 447, 448, 436, 427, 379 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioners have set ablaze the poultry farm of the informant due to previous enmity.

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 perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against the petitioners and in fact, the wife of the accused no. 1, namely, Punanjay Kumar Singh has already filed two cases against the informant bearing Complaint Case No. 1840 of 2019 and Money Suit No. 18 of 2019 which are pending for consideration and due to this reason the petitioners have falsely been implicated in the present case.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no allegation of any assault or overt act attributed against the petitioners, 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, Bhojpur, Ara in connection with Barhara (Krishnagarh) P.S. Case No. 315 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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