

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9646 of 2024

Arising Out of PS. Case No.-729 Year-2023 Thana- FATUA District- Patna

1. Ram Lal Saw Son of Sipahi Saw Resident of Village- Maksudpur, P.S.- Fatuha, District- Patna.
2. Rajan Saw Son of Ram Lal Saw Resident of Village- Maksudpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Prem Kumar, the learned counsel for the petitioners and Mr. Pramod Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha PS Case No. 729 of 2023, FIR dated 25.09.2023, registered for the offences punishable under Sections 341, 323, 307, 379 and 504 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with other co-accused persons assaulted the informant with iron-rod. It is further alleged that the accused persons have stolen Rs. 50,000/- (Rupees fifty thousand) from 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 the allegations as alleged in the FIR are false and fabricated and the petitioners have not committed any such offence. He further submits that upon perusal of the FIR, it appears that petitioner no. 1 is the order giver and petitioner no. 2 along with other co-accused persons have assaulted the informant, but there is no injury report available in the record to suggest that the informant has received any injury.

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 have clean antecedent and there is no injury report available in the record suggesting that the informant has received any injury, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate, Patna City, where the case is pending in connection with **Fatuha PS Case No. 729 of 2023**, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.
and also the 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 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 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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