

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12129 of 2024

Arising Out of PS. Case No.-430 Year-2023 Thana- ROSERA District- Samastipur

1. Karan Jha S/o Sanjeev Kumar Jha R/o Village - Nande Nagar, P.S. - Rosera, District - Samastipur
2. Pankaj Jha @ Pankaj Kumar Jha @ Pankaj S/o Sanjeev Jha R/o Village - Nande Nagar, P.S. - Rosera, District - Samastipur
3. Sanjeev Jha S/o Tripit Narayan Jha R/o Village - Nande Nagar, P.S. - Rosera, District - Samastipur
4. Manoj Kumar Jha S/o Yaduvir Jha R/o Village - Nande Nagar, P.S. - Rosera, District - Samastipur
5. Amarjeet Sahani S/o Ram Sagar Sahani R/o Village - Nande Nagar, P.S. - Rosera, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Na, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Pratik Na, learned counsel for the petitioners as well as Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 430 of 2023, F.I.R. dated 10.07.2023 for the offences punishable under Sections 147, 148, 149, 341, 427, 323, 379, 307, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and also looted the valuable, cash and precious idols of the



Temple and fled away.

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 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 co-accused person, namely, Shambhu Jha who caught hold of the informant and Lalit Jha who assaulted the informant by means of rifle butt. He further submits that there is no allegation of assault or overt act attributed against these petitioners.

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

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners 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



Additional Chief Judicial Magistrate-I, Rosera at Samastipur in connection with Rosera P.S. Case No. 430 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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