

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12309 of 2024

Arising Out of PS. Case No.-402 Year-2023 Thana- KARAHGAR District- Rohtas

1. Akshabar Ram Son Of Baban Ram Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram
2. Prabhu Ram Son Of Baban Ram Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram
3. Sudarshan Ram Son Of Late Sukhari Singh Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram
4. Bhagwan Ram @ Bhuwan Ram Son Of Late Ram Bachan Ram Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram
5. Shila Devi @ Sheela Devi Wife Of Sudarshan Ram Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram
6. Jitendra Ram Son Of Chandrama Ram Resident Of Village- Akordhi Police Station -Kargahar District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Raghunandan Kumar Singh, the learned

counsel for the petitioners and Mr. Mohammed Arif, the learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seek permission

to withdraw the application with respect to petitioner no. 6

namely, Jitendra Ram.

3. Permission, as prayed for, is accorded.

4. Accordingly, the present application with respect to



petitioner no. 6 stands as withdrawn.

5. The petitioner nos. 1 to 5 are apprehending their arrest in connection with Kargahar PS Case No. 402 of 2023, FIR dated 29.10.2023, registered for the offences punishable under Sections 341, 323, 325, 504, 379 and 506 read with Section 34 of the Indian Penal Code.

6. According to prosecution case, all the FIR named accused persons came to the house of the informant and started abusing and assaulting him and his family members due to which they sustained injury. It is further alleged that a gold chain and Rs. 10,000/- (Rupees ten thousand) were snatched from the informant.

7. Learned counsel for the petitioners have clean antecedent except petitioner no. 2, who carries one more case other than the present one, however he has got bail in the said case. He further submits that upon perusal of the FIR, it appears that there is general and omnibus allegations against all the accused persons and the specific allegation of assault is against co-accused person namely, Jitendra Ram and the injuries are found to be simple in nature, except the injury report of one Suryabansh Ram and there is direct allegation against the co-accused namely, Jitendra Ram, who has assaulted Suryabansh



Ram with *lathi*.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner nos. 1 to 5.

9. Considering the aforesaid facts and circumstances and the fact that there is no direct allegation of assault attributed against petitioner nos. 1 to 5, let the petitioner nos. 1 to 5, 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-IV, Rohtas at Sasaram, where the case is pending in connection with **Kargahar PS Case No. 402 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner nos. 1 to 5 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 petitioner nos. 1 to 5 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 petitioner nos. 1 to 5 and in case, at any stage, it is found that the petitioner nos. 1 to 5 have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner nos. 1 to 5. 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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