

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14533 of 2024

Arising Out of PS. Case No.-128 Year-2022 Thana- PATAHI District- East Champaran

1. Niraj Kumar S/O Chandra Kishor Singh R/O Village And Post- Parsauni Kapoor, P.S.- Patahi, Distt.- East Champaran At Motihari
2. Suni Kumar Singh @ Suni Kumar S/O Raj Kishor Singh R/O Village And Post- Parsauni Kapoor, P.S.- Patahi, Distt.- East Champaran At Motihari
3. Kaushal Kishor Singh S/O Late Jot Narayan Singh R/O Village And Post- Parsauni Kapoor, P.S.- Patahi, Distt.- East Champaran At Motihari
4. Dhiraj Kumar S/O Raj Kishor Singh R/O Village And Post- Parsauni Kapoor, P.S.- Patahi, Distt.- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Shyama Kant Singh, learned counsel for the petitioners as well as Mr. Ram Anurag Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 128 of 2022, F.I.R. dated 17.06.2022 for the offences punishable under Sections 147, 148, 341, 323, 325, 307, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the F.I.R named accused persons have brutally assaulted the informant and his family members and also took Rs. 1,25,000/- and a gold chain



and fled away.

4. Learned counsel for the petitioners submits that petitioners no. 3 and 4 have clean antecedent and petitioners no. 1 and 2 have one criminal antecedent other than the present one but they are on bail in the pending matter. He further submits that it appears from the F.I.R that the petitioner no. 2 has assaulted with knife to the informant but the injury report of the informant does not support the allegation as alleged in the F.I.R. and the allegation against the petitioner no. 4 is that he has assaulted the mother of the informant and the injury report of the mother of the informant suggests that the injury is grievous in nature due to fracture in her hand.

5. Learned counsel for the petitioners submits that the police after investigation submitted charge sheet under Sections 147, 148, 341, 342, 323, 325, 354, 504 and 506 of the Indian Penal Code i.e. in bailable section but the learned Court below has taken cognizance under Sections 307 and 379 of the Indian Penal Code against the petitioners.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted the informant and his family



members.

7. Considering the aforesaid facts and circumstances, 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 1st Class, East Champaran at Motihari in connection with Patahi P.S. Case No. 128 of 2022, 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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