

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14742 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- SALAKHUA District- Saharsa

1. Bechan Singh S/o Focho Singh R/o vill - Sugma ward no. 5, P.S. - Salkhua (O.P. Banma Itahari), Distt. - Saharsa
2. Vikky Singh S/o Dabloo Singh R/o vill - Sugma ward no. 5, P.S. - Salkhua (O.P. Banma Itahari), Distt. - Saharsa
3. Ravi Singh S/o Bechan Singh R/o vill - Sugma ward no. 5, P.S. - Salkhua (O.P. Banma Itahari), Distt. - Saharsa
4. Punam Singh W/o Ravi Singh R/o vill - Sugma ward no. 5, P.S. - Salkhua (O.P. Banma Itahari), Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Shiv Shankar Sharma, learned counsel

for the petitioners and Mr. Ashok Kumar Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Salkhua P.S. Case No. 167 of 2023, F.I.R. dated 02.06.2023 for the offences punishable under Sections 341, 323, 307, 324, 379, 354A of the Indian Penal Code.

3. According to prosecution case, on 01.06.2023 at about 11:30 P.M. the accused persons demanded a rickshaw from the informant to bring liquor to his house but on refusal they brutally assaulted him and his family members.



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 petitioners and informant are close agnates. He further submits that the present case is a counterblast of the Salkhua P.S. Case No. 165 of 2023 which was filed by the petitioner no.1 before the lodging of the present FIR against the informant and her family members. He further submits that although specific allegation of assault is attributed against these petitioners and five persons were received injuries but the injury report of the injured persons suggests that the injuries found upon them are simple in nature.

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

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and injuries found upon the victims are simple in nature, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate 1st Class, Saharsa in connection with Salkhua P.S.
Case No. 167 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 his absence on two consecutive dates without sufficient reason, his 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 bonds 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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