

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14616 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

1. Avinash Kumar Dev Son of Dilip Kumar Dev
2. Abhisek Kumar Dev @ Abhisek Kumar Deo Son of Dilip Kumar Dev.
Both are Resident of Village- Pohaddi, P.S.- Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr.Girish Chandra Jha, learned counsel for the petitioners and Mr.Dr.Mrityunjaya Kr.Gautam, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ghanshyampur P.S. Case No.252 of 2023, FIR dated 14.11.2023 registered for the offences punishable under Sections 341,323,307,448,34 of IPC.

3. According to prosecution case, the petitioner indiscriminately assaulted the informant with iron rod, lathi and danda. Petitioner Avinash assaulted the informant with pointed iron rod due to which he sustained injury and blood was oozing out.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that one of the co-accused persons, namely, Vikash Kumar Dev has also lodged an FIR bearing Ghanshyampur P.S. Case No.244 of 2023 against the brothers of the informant, due to this reason, the petitioners have been falsely implicated in the present case. As per allegation in the FIR, petitioner No.1 has assaulted with iron rod to the informant and there is no specific allegation of any assault or overt-act attributed against petitioner No.2, although, the informant has received injury but the injury report of the informant suggest that the injury is simple in nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 learned S.D.J.M., Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No.252 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 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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