

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15149 of 2024

Arising Out of PS. Case No.-115 Year-2023 Thana- BITHAN District- Samastipur

1. Naresh Yadav Son Of Late Kamal Yadav Resident Of Village - Parri (PADRI), Police Station - Bithan, District - Samastipur
2. Tinkle @ Vikram Kumar Son Of Sanjay Yadav Resident Of Village - Parri (PADRI), Police Station - Bithan, District - Samastipur
3. Manmohan Kumar Son Of Sanjay Yadav Resident Of Village - Parri (PADRI), Police Station - Bithan, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Mirityunjay Kumar, learned counsel for the petitioners as well as Mr. Syed Mojibur Rahman, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bithan P.S. Case No. 115 of 2023, F.I.R. dated 13.08.2023 for the offences punishable under Sections 341, 323, 354(B), 379, 448, 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 her brother-in-law due to which both of them have sustained injuries.

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 allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 08.08.2023 but the present F.I.R has been instituted on 13.08.2023 i.e. after delay of 5 days without giving any explanation of the said delay. He further submits that there is specific allegation against the petitioner no. 2 and 3. He further submits that although the brother-in-law of the informant received injury but the injury report suggests that the injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and the injury is 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 bond 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, Rosera in connection with Bithan P.S. Case No. 115 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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