

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14209 of 2024

Arising Out of PS. Case No.-209 Year-2020 Thana- CHHATAPUR District- Supaul

1. Mahendra Sah Son Of Shiv Narayan Sah Resident Of Village - Pariyahi, Ward No. 01, Police Station - Chhatapur, Dist -SUPAUL
2. Vijay Kumar Sah Son Of Mahendra Sah Resident Of Village - Pariyahi, Ward No. 01, Police Station - Chhatapur, Dist -SUPAUL
3. Rupesh Kumar Sah Son Of Rajendra Sah Resident Of Village - Pariyahi, Ward No. 01, Police Station - Chhatapur, Dist -SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2024 Heard Mr. Arun, learned counsel for the petitioners

and Mr. Uday Pratap Singh, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 209 of 2020, F.I.R. dated 07.08.2020 for the offences punishable under Sections 341, 323, 324, 325, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and others.



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 from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against these petitioners rather general and omnibus allegation against all the accused persons including these petitioners. He further submits that police after investigation submitted the final form not sent up the petitioners for the trial but the learned Court below differing with the final form took cognizance against these petitioners vide order dated 28.02.2022.

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

6. Considering the aforesaid facts, the petitioners having clean antecedent and there is no specific allegation of any assault or overt act, 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 A.C.J.M.-V, Supaul in connection with Chhatapur P.S. Case No. 209 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 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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