

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18274 of 2024

Arising Out of PS. Case No.-315 Year-2023 Thana- KONCH District- Gaya

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1. Santosh Kumar S/O Badu Singh @ Brij Kishore Singh R/O Village-
Tuturkhi, P.S.- Konch, District- Gaya
 2. Kundan Kumar S/O Late Kanshi Singh R/O Village- Tuturkhi, P.S.- Konch,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Kumar, Advocate
For the State	:	Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Ravi Kumar, learned counsel for the

petitioners and Mrs. Sangeeta Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Konch P.S. Case No. 315 of 2023, F.I.R. dated
07.07.2023 for the offences punishable under Sections 341, 323,
307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said
to have brutally assaulted the informant and her family
members. They have also tried to outrage the modesty of the
informant.

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 rather general and omnibus allegation against all the accused persons including these petitioners. He further submits that although Tanuja Devi, Rashmi Devi, Rekha Devi and Pushpa Devi had received the injuries but the injury report of all the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

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 injuries inflicted on the injured persons 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 A.C.J.M., Gaya in connection with Konch P.S. Case No. 315 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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