

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20910 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Naresh Rai S/O Baleshwar Ray R/O Hetanpur Dhamaun, P.S- Patory, Distt.- Samastipur.
2. Shambhu Rai S/O Baleshwar Ray R/O Hetanpur Dhamaun, P.S- Patory, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Ajay Kumar, learned counsel for the petitioners and Mr. Amitesh Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Patory P.S. Case No. 701 of 2023, F.I.R. dated 10.11.2023 for the offences punishable under Sections 325, 323, 324, 341, 447, 448, 307, 379, 380, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant 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 petitioners



and informant are neighbours and there is dispute for cattle. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 03.11.2023 but the present FIR instituted on 10.11.2023 after a delay of 7 days without giving any explanation of delay. He further submits that it has been alleged in the FIR that petitioners have assaulted the informant but there is no injury report available on the record to suggest that the informant has received any injury and apart from that after some time both the parties have filed a compromise petition before the learned Court below stating therein that they are not willing to pursue the matter in the future.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedent and there is no injury report available on the record and apart from that both the parties have filed a compromise petition before the learned Court below, 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, Samastipur in connection with Patory P.S. Case No. 701 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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