

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18262 of 2024

Arising Out of PS. Case No.-07 Year-2024 Thana- HATHAURI District- Samastipur

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1. Harhar Das @ Harhar Kumar S/O Jiwachh Das @ Jiwachh Mandal @ Jibachh Das R/O Village - Sarbaddih, P.S. - Hathauri, Dist. - Samastipur
 2. Jiwachh Das @ Jiwachh Mandal @ Jibachh Das S/O Late Yogi Das R/O Village - Sarbaddih, P.S. - Hathauri, Dist. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2024 Heard Mr. Gaurav Kumar, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Hathauri P.S. Case No. 07 of 2024, F.I.R. dated 16.01.2024 for the offences punishable under Sections 341, 323, 325, 384, 504, 506 and 34 of the Indian Penal Code and Section 25(a) of the Arms Act.

3. According to prosecution case, petitioners are said to have assaulted the informant with but of pistol which hit on her eye.

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 due to some pity dispute the present occurrence has taken place. He further submits that both the parties are agnates and no such occurrence has taken place. He further submits that how can it be possible that in presence of a number of persons on the occasion of marriage, the petitioners have demanded the *rangdari*/ extortion from the informant.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against these petitioners.

6. Considering the aforesaid facts and circumstances, 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, Rosera at Samastipur in connection with Hathauri P.S. Case No. 07 of 2024, 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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