

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18516 of 2024

Arising Out of PS. Case No.-552 Year-2022 Thana- BARACHATTI District- Gaya

1. Vikash Das @ Vikash Kumar S/O Umesh Da R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
2. Anil Kumar @ Anil Das S/O Rahunandan Das @ Raghunandan Ravidas R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
3. Sunil Kumar @ Sunil Das S/O Raghunandan Das @ Raghunandan Ravidas R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
4. Shrawan Kumar @ Sharawan Das S/O Shivnandan Das R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
5. Umesh Das S/O Mathura Das R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
6. Mathura Das S/O Late Ramlal Das R/O Village- Nanhu Bigha, P.S- Barachatti, Distt.- Gaya.
7. Ganesh Das @ Ganesh Ravidas S/O Late Babulal Das R/O Village- Baju Khurd, P.S- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Arvind Kumar Singh, learned counsel
for the petitioners and Mr. Sanjay Kumar Tiwary, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 552 of 2022, F.I.R. dated 03.07.2022 for the offences punishable under Sections 341, 342, 323, 325, 379, 307, 504, 506 and 34 of the Indian Penal Code.



3. According to prosecution case, petitioners along with other co-accused persons armed with *lathi-danda* & iron rod assaulted the informant brutally that caused severe injuries over the vital as well as non-vital parts of his body and they also snatched cash Rs. 14,000/- and a mobile phone from his conscious possession.

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 is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that as per the allegation the petitioners have assaulted the informant and his family members and the informant had also received injury but the injury report of the informant suggests that all the injuries are grievous in nature due to fracture in leg and due to fracture the injury report suggests that injury is grievous in nature and the other persons have also received the injury which is simple in nature.

5. 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, the petitioners



having clean antecedent and injury received is not on the vital part of the body of the informant and other persons have received simple injuries, 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.- 2nd Sherghati, Gaya in connection with Barachatti P.S. Case No. 552 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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