

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18322 of 2024

Arising Out of PS. Case No.-663 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Dipak Kumar S/o- Bacha Prasad R/o Vill- Dhum Nagar P.S.- Ghorashan Dist- East Champaran
 2. Arun Kumar son of Rampadarath Rai @ Ram Padarth Rai @ Padarath Rai R/o Vill- Dhum Nagar P.S- Ghorashan Dist- East Champaran
 3. Ramayan Rai son of Late Asharfi Rai R/o Vill- Dhum Nagar P.S- Ghorashan Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the Informant	:	Mr. Jainendra Kumar Pushkar, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Abhishek Kumar, learned counsel for the petitioners, Mr. Jainendra Kumar Pushkar, learned counsel appearing on behalf of the Informant and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Ghorasahan P.S. Case No. 663 of 2022, F.I.R. dated 07.12.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they killed the son of the informant after assaulting him.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is specific allegation against co-accused persons namely Kalawati Devi and Suraj @ Surat and there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners.

5. Learned counsel for the Informant as well as learned APP for the State vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and they have participated in the present crime in question.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3rd, Sikrahana at Dhaka, East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 663 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other following conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step for cancellation of bail bond 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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