

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23386 of 2024**

Arising Out of PS. Case No.-140 Year-2023 Thana- BACHHWARA District- Begusarai

1. Bhim Ray @ Bhim Rai S/o Late Brahmadev Ray, R/o- Vishanpur, Lodiya, P.S.- Bachhwara, Begusarai.
2. Umesh Ray @ Umesh Rai S/o Late Brahmadev Ray, R/o Vishanpur, Lodiya, P.S. Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-04-2024                      Heard Mr. Saroj Kumar Sharma, the learned  
  
counsel for the petitioners and Ms. Nirmala Kumari, the learned  
  
Additional Public Prosecutor for the State.

2.                      The petitioners are apprehending their arrest in  
  
connection with Bachhwara PS Case No. 140 of 2023, FIR  
  
dated 07.05.2023, registered for the offences punishable under  
  
Sections 341, 323, 337, 307, 379 and 504 read with Section 34  
  
of the Indian Penal Code.

3.                      According to prosecution case, one Ram Ekbal Ray  
  
along with twelve other co-accused persons arrived at the house  
  
of the informant and started abusing him and upon his protest  
  
the accused persons assaulted the informant and his family



members due to which they sustained injuries. It is further alleged that the accused persons looted Rs. 50,000/- (Rupees fifty thousand) cash along with ornaments and clothes from the house 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 upon perusal of the FIR, it appears that there is no specific allegation of any assault is attributed against the petitioners, rather the specific allegation of assault is attributed against the co-accused persons namely, Ram Iqbal Rai @ Ram Ikbai Ray and Arvind Rai and there is general and omnibus allegation against these petitioners that they have assaulted the informant and although the informant has received injury, the injury report of the informant suggests that injury is simple in nature. He lastly submits that the co-accused person namely, Ram Iqbal Rai @ Ram Ikbai Ray has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.04.2024 passed in Cr. Misc. No. 23410 of 2024.

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 and circumstances and the fact that petitioners have clean antecedent and the co-accused person against whom there is allegation of assault has been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, where the case is pending in connection with **Bachhwara PS Case No. 140 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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