

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26258 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- KOPA District- Saran

1. Sonu Ram S/O Raj Kumar Ram @ Kumar Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.
2. Chandan Ram S/O Shivcharan Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.
3. Vishnu Ram S/O Parmeshwar Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.
4. Birju Kumar Ram S/O Lalan Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.
5. Motilal Ram S/O Murat Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.
6. Appu Kumar Ram S/O Dev Kumar Ram, R/O Village- Rewari, P.S- Kopa, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Vijay Kumar Srivastva, the learned
counsel for the petitioners and Mr. Tarun Prasad Mandal, the
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kopa PS Case No. 239 of 2023, FIR dated
20.11.2023, registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the
Indian Penal Code.

3. According to prosecution case, when the informant



protested against vulgar songs being played by the accused persons at *Kali Mandir*, the accused persons variously armed surrounded the informant and some other persons and assaulted them. It is further alleged that when the wife of the informant came to his rescue, the co-accused persons snatched gold *Mangal Sutra* from her neck.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is direct and specific allegation of assault attributed against co-accused persons namely, Alok Ram, Munna Ram, Sanjit Ram and Rahul Kumar Ram and there is no allegation of any assault or overt act against these petitioners.

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 there is no allegation of any assault or overt act attributed against them,



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, Saran at Chapra, where the case is pending in connection with **Kopa PS Case No. 239 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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