

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25123 of 2024

Arising Out of PS. Case No.-315 Year-2022 Thana- NOKHA District- Rohtas

1. Ajit Chandrawanshi @ Ajit Kumar Son of Birendra Chandrawanshi Resident of Village- Akarua, P.S.- Piro, District- Bhojpur at present Village- Sisrita, P.S.- Nokha, District- Rohtas (Bihar)
2. Dhanbabu Chandrawanshi @ Babudhan Kumar Son of Birendra Chandrawanshi Resident of Village- Akarua, P.S.- Piro, District- Bhojpur at present Village- Sisrita, P.S.- Nokha, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Upadhyay, Advocate
For the State	:	Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Om Prakash Upadhyay, learned counsel for the petitioners and Mr. Anil Kumar Singh No.1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nokha P.S. Case No. 315 of 2022, F.I.R. dated 04.08.2022 for the offences punishable under Sections 341, 323, 354(B), 307, 504, 506 and 34 of the Indian Penal Code and the cognizance has also been taken against the aforesaid Sections.

3. According to prosecution case, the petitioners are said to have teased the informant's wife. When the wife of the informant opposed, the petitioners stabbed in her belly.

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 in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and from a bare perusal of the FIR it appears that date of the occurrence is 03.08.2022 at about 10.00 AM but the present F.I.R. instituted on 04.08.2022 at about 07:21 PM. He further submits that due to some petty dispute, the petitioners have falsely implicated in this case.

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 and circumstances and the fact that the petitioners having clean antecedent and the police has not found the case made out under Section 307 of the Indian Penal Code, 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 Additional Chief Judicial Magistrate in connection with Nokha P.S. Case No. 315 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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