

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25509 of 2024

Arising Out of PS. Case No.-339 Year-2023 Thana- PATAHI District- East Champaran

1. Santosh Das S/O Mangal Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
2. Silpi Devi W/O Santosh Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
3. Ranju Devi W/O Mahesh Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
4. Sita Devi W/O Gopal Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
5. Jaichandra Das S/O Jagan Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
6. Suraj Das S/O Naresh Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.
7. Umesh Das S/O Rajdeo Das R/O Village- Patahi Tola Harbhanga, P.S- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2024 Heard Mr. Sarvesh Kashyap, learned counsel for the petitioners and Mr. Narendra Kumar Singh, learned APP for the State.

2. After some arguments, learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1, namely, Santosh Das has been arrested and as such he seeks permission to withdraw the application with respect of petitioner no. 1, namely, Santosh Das as having become infructuous.



3. Permission is accorded.

4. The bail application with respect to petitioner no.1, namely, Santosh Das is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with Patahi P.S. Case No. 339 of 2023, dated 06.12.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 354(b), 379, 34 of the Indian Penal Code.

6. Allegation against the petitioners is that they along with other co-accused persons have assaulted the informant and their family members due to which they sustained injuries.

7. Learned counsel for the petitioners (except petitioner no.1) 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 of assault attributed against co-accused persons namely Santosh Das and Umesh Das and as per allegation the petitioner namely Jaichandra Das has assaulted to the brother of the informant namely Rambachan Das, although Rambachan Das has received injury but the injury report of Rambachan Das suggests that there are three injuries but all the three injuries are simple in nature caused by hard and blunt substance and as per allegation against the petitioner namely



Umesh Das, he has assaulted to one Rajnish Das, although Rajnish Das has received injury but the injury report suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that there is no specific allegation against the petitioners namely Silpi Devi, Ranju Devi, Sita Devi, and Suraj Das rather there is general and omnibus allegation against these petitioners and there is case and counter case between the parties.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no.1).

9. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedents as well as nature of allegation, let the petitioners (except petitioner no.1), 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Patahi P.S. Case No. 339 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no.1) 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 (except petitioner no.1) 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 (except petitioner no.1) and in case at any stage, it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no.1). 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.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

