

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28333 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- SAKRA District- Muzaffarpur

1. Ram Prakash Gupta son of Late Janki Raman Sah Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur
2. Surya Prakash Gupta son of Arun Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur
3. Aditya Prakash Gupta son of Arun Prakash Gupta Village- Bishunpur Baghnagri Ps- Sakra Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Raju Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Nalin Kumar, learned counsel for the petitioners, Mr. Raju Kumar, learned counsel appearing on behalf of the informant as well as Mr. Ram Bilash Roy Raman, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kudhani Sakra P.S. Case No. 60 of 2023, F.I.R. dated 31.01.2023 for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code but the police have submitted a charge sheet under Sections 147, 149, 341, 323, 448, 437, 504 and 506 of the Indian Penal Code.



3. According to prosecution case, all the accused persons including these petitioners armed with iron rod, lathi, danda etc. have assaulted the informant and her family members due to which they sustained injuries and also the accused persons tried to outrage the modesty of the informant and her family member who came to save her.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the police have not found the case true under Section 307 of the Indian Penal Code. He further submits that although the allegation against these petitioners are that they have assaulted the informant and her family members but the injury report of the injured persons suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that there is case and counter case/civil case between the parties and apart from that a civil dispute is also going between the parties but the learned Court below vide order dated 25.04.2023 has taken cognizance against these petitioners under Sections 147, 148, 341, 308, 324, 427, 504 and 506 of the Indian Penal Code.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners that they have assaulted the informant and her family members and apart from that the petitioners carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that the injuries of the informant are simple in nature and police have not submitted the charge sheet under Section 307 of the Indian Penal Code against these petitioners and there is case and counter case/civil case running between the parites, 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 bond 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 12th, East Muzaffarpur in connection with Kudhani P.S. Case No. 60 of 2023, 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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