

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31782 of 2024

Arising Out of PS. Case No.-663 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Ramjiwan Sah SON OF Late Kamal Sah VILLAGE - DHUM NAGAR, P.S. - GHORASAHAN, DISTRICT - EAST CHAMPARAN
 2. AMIR THAKUR @ AMIRI THAKUR SON OF LATE BHOLA THAKUR VILLAGE - DHUM NAGAR, P.S. - GHORASAHAN, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2024 Heard Mr. Madhurendra Kumar, learned Counsel for the petitioners, Mr. Sanjay Kumar, learned Counsel for the informant and Mr. Ram Sevak Choudhary, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Ghorasahan P.S. Case No. 663 of 2022, F.I.R. dated 07.12.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they killed the son of the informant after assaulting him.

4. Learned counsel for the petitioners submits that



the petitioners are innocent 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 against co-accused persons namely Kalawati Devi and Suraj @ Surat and there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners. The other co-accused persons, namely, Dipak Kumar, Arun Kumar and Ramayan Rai have already been granted anticipatory bail vide order dated 02.04.2024 in Cr. Misc. No. 18322 of 2024 and another co-accused person, namely, Hari Shankar Rai has been granted anticipatory bail vide order dated 23.02.2024 in Cr. Misc. No. 18410 of 2024.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and they have participated in the present crime in question and apart from that the petitioner no. 2 having clean antecedents and the petitioner no. 1 carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner no. 1 is on bail in the pending matters.



6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 3rd, Sikrahana at Dhaka, East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 663 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioners 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 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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