

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37695 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- MADANPUR District- Aurangabad

1. Rajesh Pandey S/o Madan Mohan Pandey R/o Village- Mahuawan Chatti, Post- Mahuawan, P.S. Mandnpur, District- Aurangabad (Bihar)
2. Rakesh Pandey S/o Madan Mohan Pandey R/o Village- Mahuawan Chatti, Post- Mahuawan, P.S. Mandnpur, District- Aurangabad (Bihar)
3. Kundan Yadav @ Kundan Kumar S/o Kukhendra Yadav R/o Village- Mahuawan Chatti, Post- Mahuawan, P.S. Mandnpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Kant Mishra, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Uma Kant Mishra, learned counsel for the petitioners as well as Mr. Nand Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madanpur P.S. Case No. 129 of 2024, F.I.R. dated 26.03.2024 for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the son of the



informant due to which he received injuries.

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 F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the fact that there is no accusation of any assault or overt act against these petitioners and the petitioners have clean antecedent, 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 Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 129 of 2024, 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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