

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39101 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- RAGHOPUR District- Vaishali

1. Suresh Rai Son of Leela Rai R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
2. Muni Lal Rai Son of Leela Rai R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan, Advocate Mr. Amar Kumar, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Dharmendra Kumar Paswan, learned counsel for the petitioners and Mr. Ram Bilash Roy Raman, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raghapur (Rustampur OP) P.S.Case No.28 of 2024, FIR dated 05.03.2024 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, that the petitioners along with other co-accused persons assaulted the informants and snatched away a gold chain and



Rs.20,000.

4. Learned counsel for the petitioners submits that the petitioner no.1 has clean antecedent and petitioner no.2 carries two more cases other than the present one and there is case and counter case between the parties and due to the some petty reason, the present occurrence had taken place and from bare perusal of the FIR it appears that there is a specific allegation against petitioner no.1 that he assaulted to the nephew of the informant by means of iron rod and although, he had received injury but the injury of the nephew of the informants is simple in nature and there is no specific allegation of assault or overt act attributed against petitioner no.2.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is a specific allegation of assault attributed against petitioner no.1. He fairly submits that petitioner no.1 having clean antecedent and the petitioner no.2 carried two criminal antecedents other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner no.2 is



on the bail in the pending matter.

6. Considering the aforesaid facts, let the petitioners, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Raghapur (Rustampur OP) P.S. Case No.28 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 bonds 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 antecedents, 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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