

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39723 of 2024

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

1. Baijnath Kumar @ Baijnath Rai Son of Suresh Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
2. Rajesh Rai Son of Late Saryu Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
3. Raja Rai Son of Late Saryu Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
4. Subodh Rai Son of Lalbabu Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
5. Arun Rai @ Arun Kumar Son of Suresh Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.
6. Lalbabu Rai Son of Late Saryu Rai, R/o Village - Pir Mohammadpur, P.S.- Raghapur (Rustampur O.P.), District - Vaishali, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
Mr. Amar Kumar, Advocated
Ms. Deepshikha, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. The petitioners are apprehending their arrest in
connection with Raghapur (Rustampur O.P.) PS Case No. 28 of
2024, FIR dated 05.02.2024, registered for the offences
punishable under Sections 147, 148, 341, 323, 324, 307, 379,
504 and 506 of the Indian Penal Code.



3. According to the prosecution case, the co-accused persons came at the house of the informant and assaulted the informant and his nephew. It is further alleged that the co-accused persons also took Rs. 20,000/- (Rupees twenty thousand) cash and one golden *mangalsutra* of informant's wife and also threatened them with dire consequences.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and due to some petty dispute the present occurrence has taken place and there is case and counter case between the parties. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners, rather the specific allegation of assault is against the co-accused person namely, Suresh Ray, who has assaulted on the head of informant's nephew with iron-rod and although, the informant's nephew has received the injury, but the injury report of the informant's nephew suggests that injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances



and mainly the facts that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Vaishali at Hajipur, where the case is pending in connection with **Raghopur (Rustampur O.P.) PS Case No. 28 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial



Court 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 learned trial Court 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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