

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40179 of 2024

Arising Out of PS. Case No.-461 Year-2023 Thana- ROH District- Nawada

Madan Rajbanshi S/O WADO RANBANSHI @ RAMESHWAR
RAJBANSHI Resident of Village- Tajpur, P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 40422 of 2024

Arising Out of PS. Case No.-461 Year-2023 Thana- ROH District- Nawada

Sunil Rajvanshi @ Sunil Ram Son Of Late Badho @ Rameshwar Rajvanshi
@ Rameshwar Ram Resident Of Village - Tazpur, P.S.- Roh, District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 40179 of 2024)
For the Petitioner/s : Mr. Manmohan Kumar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP
(In CRIMINAL MISCELLANEOUS No. 40422 of 2024)
For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-09-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail, petitioner, namely,

Madan Rajbanshi is in custody since 24.12.2023 and petitioner,

namely, Sunil Rajvanshi @ Sunil Ram is in custody since

25.12.2023, in connection with Roh P.S. Case No. 461 of 2023,



FIR dated 24.12.2023 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the allegation against the petitioners that they along with other co-accused persons have assaulted to the father of the informant due to which he died.

4. Learned counsel appearing for the petitioners submit that the petitioners, who are of clean antecedent, are innocent and they have falsely been implicated in this case. He further submits that from a bare perusal of the FIR it appears that due to some land dispute the present occurrence has taken place. He further submits that although there is specific allegation against the petitioners that they have assaulted to the deceased but from a bare perusal of the FIR it appears that there is no specific allegation against the petitioners rather there is general and omnibus allegation attributed against all the accused persons including these petitioners. He further submits that other co-accused person, namely, Sujeet Kumar, against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 42290 of 2024. He further submits that the police after investigation has submitted charge-sheet in this



case against the petitioners. The petitioner, namely, Madan Rajbanshi is in custody since 24.12.2023 and petitioner, namely, Sunil Rajvanshi @ Sunil Ram is in custody since 25.12.2023

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, let the, above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned I/C Judicial Magistrate 1st Class, Nawada in connection with Roh P.S. Case No. 461 of 2023 with the 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 canceled 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.

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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