

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40716 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- CHIRAIYA District- East Champaran

1. Umesh Singh @ Umesh Patel Son of Rajkishor Singh @ Rajkishor Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
2. Mausam Kumar Son of Umesh Singh @ Umesh Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
3. Rajkishor Singh @ Rajkishor Patel Son of Khublal Singh @ Khublal Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
4. Ranjit Kumar @ Ranjit Singh @ Ranjit Patel Son of Bhola Singh @ Bhola Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
5. Chandeshwar Singh @ Chandeshwar Patel Son of Khublal Singh @ Khublal Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
6. Bharat Singh @ Bharat Patel Son of Krit Singh @ Krit Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran
7. Jailal Singh @ Jailal Patel Son of Subhlal Singh @ Subhlal Patel @ Subh Narayan Patel Resident of Village- Baswariya, P.S- Chiraiya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel for the petitioners as well as Mr. Anil Kumar,

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chiraiya P.S. Case No. 19 of 2024, F.I.R. dated 13.01.2024 for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.



3. According to prosecution case, all the accused persons including these petitioners armed with lathi, farsa and iron rod have assaulted the informant's brother and his other family members and the co-accused, Kamlesh Patel assaulted him by means of farsa with an intention to kill him.

4. Learned counsel for the petitioners submits that petitioner nos. 4, 6 and 7 have clean antecedent and petitioner nos. 1, 2, 3 and 5 carries one criminal antecedent other than the present but they are on bail in the pending matter. He further submits that the F.I.R is in two parts, according to part one there is general and omnibus allegation against all the accused persons including these petitioners and according to part two there is specific allegation against the co-accused, namely, Kamlesh Patel who has assaulted the informant and his family members.

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

6. Considering the aforesaid facts and circumstances and the fact that there is no specific allegation against these petitioners rather the specific allegation is against the co-accused, Kamlesh Patel, 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, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 19 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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