

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40996 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- NATWAR District- Rohtas

1. Birendra Singh @ Birendra Rai Son of Late Harihar Singh Resident of Village- Paschimi Bhelari ,P.S- Natwar, Dist- Rohtas
2. Prince Kumar Son of Birendra Singh @ Birendra Rai Resident of Village- Paschimi Bhelari ,P.S- Natwar, Dist- Rohtas
3. Sumiran Singh @ Sumiran Kumar Son of Birendra Singh @ Birendra Rai Resident of Village- Paschimi Bhelari ,P.S- Natwar, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Ajit Kumar, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Natwar P.S. Case No. 107 of 2023, F.I.R. dated 11.07.2023 for the offences punishable under Sections 341, 323, 307, 354, 504, 506 and 34 of the Indian Penal Code but the Police after investigation has submitted charge-sheet against the petitioners under Sections 341, 323, 325, 354, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, when the daughter of the informant was going from her house for plucking the



Guava. In the meantime, all the named accused persons assaulted his daughter and when his son tried to save his sister then he was also assaulted by them.

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 is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather general and omnibus allegation attributed against all the accused persons including the petitioners apart from that injury report of the Sunil Kumar Singh suggests that the injury is simple in nature.

5. 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 the fact that petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioners, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bikramganj, Patna in connection with Natwar P.S. Case No. 107 of 2023, 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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