

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40945 of 2024

Arising Out of PS. Case No.-59 Year-2017 Thana- MAJHAULIA District- West Champaran

1. Suresh Sahni Son Of Late Mahendra Sahni Resident Of Ward No.- 3, Village- Majharia Shekh, P.S- Majhauria, District- West Champaran.
2. Umesh Sah Son Of Sohan Sah Resident Of Ward No.- 3, Village- Majharia Shekh, P.S- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Vatsal Verma, learned counsel for the petitioners and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Majhauria P.S. Case No. 59 of 2017, F.I.R. dated 19.02.2017 for the offences punishable under Sections 341, 147, 149, 323, 324, 354 and 379 of the Indian Penal Code in which the learned Chief Judicial Magistrate, Civil Court, Bettiah, West Champaran has taken cognizance under Section 147, 149, 447, 341, 323, 324, 308, 354, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, petitioners along



with other co-accused persons are said to have assaulted the informant and also tried to outrage the modesty of the informant.

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 from a bare perusal of the FIR it appears that there is allegation against petitioner no.1 that he assaulted to the informant. He further submits that although the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature. He further submits that the date of occurrence as alleged in the FIR is 03.02.2017 and the statement of the informant was recorded on 04.02.2017 but the present FIR instituted on 19.02.2017 after a delay of about 15 days without giving any explanation of delay.

5. Learned Additional Public Prosecutor for the State, on the other hand, has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and the injury inflicted upon the informant is simple in nature, 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, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 59 of 2017, 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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