

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49903 of 2024

Arising Out of PS. Case No.-100 Year-2020 Thana- GAYA MUFASIL District- Gaya

1. Prasuram Sao @ Prasuram Kumar @ Parshuram Sao Son of Butta Sao @ Anand Sao Village- Budhgerey, P.S.-- Mufassil, Distt.- Gaya
2. Sandip Kumar @ Sandeep Sao Son of Karu Sao @ Karu Saw Village- Budhgerey, P.S.-- Mufassil, Distt.- Gaya
3. Chhotu Yadav @ Chhotu Kumar Son of Bhola Yadav Village- Budhgerey, P.S.-- Mufassil, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-08-2024 Heard Mr. Aryan Singh, learned counsel for the petitioners as well as Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mufassil P.S. Case No. 100 of 2020, F.I.R. dated 10.03.2020 for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307, 353, 332, 333, 427, 435, 504, 506, 337 and 338 of the Indian Penal Code.

3. According to prosecution case, all the named and unknown accused persons including these petitioners have assaulted the police personnel due to which some of the police



personnel got injured.

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 although the petitioner is named in the F.I.R., but there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the named and unknown persons including these petitioners. It is further submitted that the other co-accused person namely, Pramod Kumar @ Pramod Mahto has been granted bail vide order dated 30.07.2021 passed in Cr. Misc. No. 40966 of 2020 by the Co-ordinate Bench of the Court. One other co-accused person namely Gopali Saw @ Gopal Saw and six others have been granted anticipatory bail vide order dated 23.06.2021 passed in Cr. Misc. No. 41151 of 2020 by the Co-ordinate Bench of the Court.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against



all the named and unknown persons including these 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 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, Gaya in connection with Mufassil P.S. Case No. 100 of 2020, 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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