

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47672 of 2024

Arising Out of PS. Case No.-35 Year-2019 Thana- SUGAULI District- East Champaran

1. Raju Ram Son Of Prabhu Ram Village- Dharamprur Ps- Sugauli, Dist- East Champaran
2. Raj Kumar Ram Son Of Jagarnath Ram Village- Dharamprur Ps- Sugauli, Dist- East Champaran
3. Raja Ram Son Of Jagarnath Ram Village- Dharamprur Ps- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Pravin Kumar, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 35 of 2019, F.I.R. dated 22.01.2019 for the offences punishable under Sections 147, 149, 341, 323, 324, 354(B), 307, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted to the informant and his family members.



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 petitioners are named in the FIR and there is specific allegation against petitioner no.1 that he has assaulted to the informant with lathi, allegation against the petitioner no.2 that he has assaulted to the informant and allegation against the petitioner no.3 that he has assaulted to the husband of the informant. He further submits that although the informant and husband of the informant have received the injury but injury report of the aforesaid two persons suggests that all the injuries are simple in nature. He further submits that co-accused person, namely, Sundari Devi and others have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order date 08.11.2023 passed in Cr. Misc. No. 53487 of 2023.

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, the petitioners having clean antecedent and the injury report of the injured persons suggests that the injuries inflicted upon the injured



persons are 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, Sadar, Motihari, East Champaran in connection with Sugauli P.S. Case No. 35 of 2019, 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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