

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52602 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- MALI District- Aurangabad

1. Janki Ram S/o Late Dhura Ram @ Ghura ram R/o vill - Ganghar, P.S. - Mali, Distt. - Aurangabad
2. Dipak Ram S/o Janki Ram R/o vill - Ganghar, P.S. - Mali, Distt. - Aurangabad
3. Subash Kumar S/o Deepak Ram R/o vill - Ganghar, P.S. - Mali, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mali P.S Case No. 30 of 2024, F.I.R. dated 10.02.2024 for the offences punishable under Sections 307, 147, 148, 149, 341, 323, 324, and 504 of the Indian Penal Code.

3. According to prosecution case, while the grand father of the informant was standing on the road, the petitioners along with other FIR named accused persons came with danda, gadasa etc., and started abusing him. Petitioner no. 2 started scuffle thereafter, Upendra Ram started assaulting him with



danda. Petitioner no. 3 assaulted him with gadasa on his head because of that he became senseless.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and are innocent and they have falsely been implicated in the present case. There is case and counter case. Though specific allegation of assault and scuffle has been leveled against petitioner no. 2 and Upendra Ram respectively and petitioner no. 3 by gadasa on head but the report does not suggest that he received any shot or grievous injury which is part of the FIR. There is no specific allegation against petitioner no. 1.

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

6. Considering the aforesaid facts and circumstances of the case and considering that the petitioners have clean antecedent, 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 Additional Chief Judicial Magistrate VI, Aurangabad in connection with Mali P.S. Case No. 30 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 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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