

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52756 of 2024

Arising Out of PS. Case No.-729 Year-2023 Thana- KHAGARIA District- Khagaria

1. Kalo Sah SON OF DOMAN SAH Village- Dhusmuri PS -Khagariya Muffasil District -Khagariya
2. PANDAV KUMAR SON OF DOMAN SAH Village- Dhusmuri PS -Khagariya Muffasil District -Khagariya
3. BIJUL SAH SON OF DOMAN SAH Village- Dhusmuri PS -Khagariya Muffasil District -Khagariya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayashankar Mishra

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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 Khagariya Mufassil P.S. Case No. 729 of 2023, F.I.R. dated 18.07.2023 for the offences punishable under Sections 341, 323, 307, 504, 506, 354B, 379 and 34 of the Indian Penal Code.

3. According to prosecution case, while the informant with his family members were getting in his courtyard, all the FIR named accused persons including the petitioner came with pistol, iron rod, sharp dabiya, lathi in their hands, surrounded them and started abusing. Co-accused Bharat Sah started teasing his wife and daughter with ill motive and began to pull



the sari of Hira Devi. On protest by informant, he hit on the head of the informant with iron rod with intention to kill due to which the informant sustained injury and rest also brutally assaulted him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in the present case. The allegation is false and fabricated and the petitioners have committed no offence as alleged in the FIR. Bare perusal of the FIR shows no specific allegation against the petitioners. Specific allegation is against Bharat Sah. Petitioner nos. 1 and 2 have antecedent of one criminal case in which they are on bail and petitioner no. 3 has clean antecedent.

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 there being no specific allegation 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 Additional



Sessions Judge III, Khagariya in connection with Khagariya Mufassil P.S. Case No. 729 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 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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