

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54092 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- BEUR District- Patna

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1. BINOD RAI @ BINOD ROY SON OF LATE RAMASHRAY RAI @ MOJHU RAI RESIDENT OF VILLAGE - BETAURA, P.S. - BEUR, DISTRICT - PATNA
 2. PRAMOD KUMAR @ MALKHA SON OF SRI BINOD RAI @ BINOD ROY RESIDENT OF VILLAGE - BETAURA, P.S. - BEUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-11-2024 Heard Mr. Jai Prakash Verma, learned counsel for
the petitioners and the State.

2. The petitioners are in custody in connection with
Beur P.S. Case No. 117 of 2024 for the offence punishable under
sections 341, 323, 324, 308, 379 and 34 of the Indian Penal
Code lodged on 27.02.2024 by the informant, Chandra Prakash.

3. As per the prosecution story, the informant alleged
that on 26.02.2024, the accused persons armed variously came
and assaulted him, his father as also brother, Suraj Prakash
causing injuries. This led to the FIR.

4 Learned counsel for the petitioners submit that the
petitioner's side also suffered but as he was taken into custody,



could not file complaint. Further, the injury sustained by the informant's side have not been found to be grievous in nature, both the father and son have remained in custody since 31.03.2024 (para 4 of the petition) having no criminal antecedent.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each to the three injured persons (totaling Rs. 15,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer for bail submitting that a perusal of the FIR would show that they assaulted the informant and his family members without any provocation and as such, does not deserved bail.

7. Considering the submissions put forward by the parties as also the fact that the injuries have not been found to be grievous in nature, they have remained in custody since 31.03.2024 and none have criminal antecedent, this Court is



inclined to extend them the privilege of bail with conditions subject to payment of Rs. 5,000/- each (totaling Rs. 15,000/-) to the three injured persons as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Beur P.S. Case No. 117 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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