

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52433 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SANJHOLI District- Rohtas

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1. Gorakh Sah @ Diwakar Sah S/O Ram Avatar Sah Resident Of Village Gangajal Math Police Station Sanjhauli District Rohtas At Sasaram
 2. Bhola Sah @ Prabhakar Prasad Gupta S/O Ram Avatar Sah Resident Of Village Gangajal Math Police Station Sanjhauli District Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate
For the State	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Raghunandan Kumar Singh, learned counsel for the petitioners and Mr. Umanath Mishra, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sanjhauli P.S. Case No. 38 of 2024, F.I.R. dated 18.02.2024 for the offences punishable under Sections 341, 323, 506, 379, 307 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted 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



there is specific allegation against the petitioners that they have assaulted to the informant and his brothers by means of *gada* and *lathi* but the injury report of the brother of the informant, namely, Jitendra Kumar suggests that the injury is simple in nature. He further submits that from a bare perusal of the injury report it appears that the allegation as alleged in the FIR is not supported by the medical evidence.

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 and circumstances and the fact that petitioners having clean antecedent and injury report of the injured persons suggests that the injury is 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 Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Sanjhauli P.S. Case No. 38 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 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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