

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63320 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- OBRA District- Aurangabad

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1. Rakesh Kumar S/o Shambhu Yadav Resident of Village- Aranda, PS- Obra, Distt. - Aurangabad (Bihar)
 2. Chandan Kumar S/o Paresh Yadav @ Paras Yadav Resident of Village- Aranda, PS- Obra, Distt. - Aurangabad (Bihar)
 3. Rudra @ Kaila Yadav @ Kaliya Yadav S/o Paresh Yadav @ Paras Yadav Resident of Village- Aranda, PS- Obra, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Ranjan Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Abhishek Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard Mr. Ajit Ranjan Kumar, learned counsel for the petitioners, Mr. Abhishek Kumar Singh, learned counsel for the informant as well as Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Obra P.S. Case No. 148 of 2024, F.I.R. dated 10.04.2024 for the offences punishable under Sections 341, 323, 342, 307, 354, 504, 506 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 brother.



4. Learned counsel for the petitioners submits that petitioner no.1 carries one case other than the present one, petitioner no.3 carries two cases other than the present one and petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather general and omnibus allegation attributed against all the accused persons including the petitioners. He further submits that there is case and counter case between the parties.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submit that petitioners are named in the FIR and with a common intention they have assaulted to the injured persons.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt act attributed against these petitioners rather general and omnibus allegation against all the accused persons including these 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 S.D.J.M., Daudnagar, Aurangabad (Bihar) in connection with Obra P.S. Case No. 148 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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