

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64328 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Nagendra Ram son of Late Gopal Ram village- Marjadwa PS -Purushottampur, District -West champaran
 2. Sanjay Ram son of Nagendra Ram village- Marjadwa PS -Purushottampur, District -West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Rajdeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioners, Mr. Rajdeep Kumar, learned counsel
appearing on behalf of the informant as well as Mr. Abhay
Kumar Roy, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Purushottampur P.S. Case No. 109 of 2023,
F.I.R. dated 24.12.2023 for the offences punishable under
Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal
Code.

3. According to prosecution case, all the accused
persons including these petitioners armed with bhala, farsa and
iron rod have brutally assaulted the informant due to which she



sustained injuries. It is further alleged that the petitioner no. 1 snatched gold earring from informant's ear.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that due to Purushottampur P.S. Case No. 28 of 2023 the present occurrence has taken place. There is case and counter case between the parties. He further submits that although the petitioners are named in the F.I.R but there is no accusation of any assault or overt act against these petitioners rather there is specific allegation against the co-accused, namely, Vinay Kumar Ram.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R that the petitioners along with other accused persons with common intentions have assaulted the informant. They further submits that the informant is a lady and apart from that the petitioner no. 2 has clean antecedent and petitioner no. 1 carries one criminal antecedent other than the present one.



6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners and there is case and counter case between the parties, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st, Bettiah, West Champaran in connection with Purushottampur P.S. Case No. 109 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 tampers 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 bond 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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