

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63483 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- VAISHALI District- Vaishali

1. Kishuni Rai Son Of Late Julumdhari Rai Resident Of Village- Khajuata, Ps- Vaishali, Distt- Vaishali
2. Pramod Rai @ Pramod Ray Son Of Ganga Rai Resident Of Village- Khajuata, Ps- Vaishali, Distt- Vaishali
3. Gandhi Rai Son Of Ganga Rai Resident Of Village- Khajuata, Ps- Vaishali, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Informant	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mr. Vijay Kumar, learned counsel for the petitioners, Mr. Santosh Kumar, learned counsel for the informant and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Vaishali P.S. Case No. 268 of 2023, F.I.R. dated 23.06.2023 for the offences punishable under Sections 147, 148, 149, 307, 341, 323, 324, 354(B), 379, 504 and 506 of the Indian Code and later on 302 of the Indian Penal Code was added.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant and his family members.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have false been implicated in the present case. He further submits that petitioner nos.1 & 3 have clean antecedent and petitioner no.2 has carried one criminal antecedent other than the present one but he has been acquitted from the charges in the pending matters. 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 is attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the post-mortem report of the deceased does not support the allegation as alleged in the FIR.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Vaishali at Hajipur in



connection with Vaishali P.S. Case No. 268 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 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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