

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67332 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- GARKHA District- Saran

1. Amarjeet Rai @ Amarjeet Kumar Rai Son of Baban Rai Resident of village- Mobarakhpur, police station -Garkha, District- Saran Chapra
2. Mantu Rai @ Mantu Kumar son of Jogendra Rai Resident of village- Mobarakhpur, police station -Garkha, District- Saran Chapra
3. Jitendra Rai @ Jitendra Kumar Rai Son of Baban Rai Resident of village- Mobarakhpur, police station -Garkha, District- Saran Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Braj Nandan Kumar Tiwary, learned
counsel for the petitioners and Mr. Umesh Lal Verma, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 312 of 2024, F.I.R. dated 31.05.2024 for the offences punishable under Sections 147, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted to the informant due to which he received injury.

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 FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that there is case and counter case between the parties. 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 against the petitioners rather general and omnibus allegation attributed against all the accused persons including these petitioners.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that injury report of the Amit Kumar suggests that the injury no.2 is grievous in nature and apart from that petitioners carry one more case other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioners are on bail in the pending matter.

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 A.C.J.M.-IV, Saran at Chapra in connection with Garkha



P.S. Case No. 312 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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