

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73803 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- TRIVENIGANJ District- Supaul

1. Nand Kishore Sardar @ Aman Raj @AMAN Kumar S/O Bramhdev Sardar Resident Of Village-Partapur, Ward No.4, P.S.-TRIVENIGANJ, District-Sapaul.
2. Ajay Kumar S/O Bramhdev Sardar Resident Of Village-Partapur, Ward No.4, P.S.-TRIVENIGANJ, District-Sapaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Pramod Mishra, learned counsel for the petitioners as well as Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 120 of 2021, F.I.R. dated 28.04.2021 for the offences punishable under Sections 144, 149, 447, 341, 323, 324, 308 and 380 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including theses petitioners have brutally assaulted the son and husband of the informant causing them injuries.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. and there is case and counter case between the parties. He further submits that it appears from the F.I.R. that there is specific allegation against the petitioner no. 1 that he has assaulted the husband of the informant and the petitioner no. 2 has assaulted the son of the informant. He further submits that the injury report of the husband of the informant, namely, Miran Sardar and son of the informant, namely, Suraj Kumar suggests that all the injuries are simple in nature.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and all the injuries of the injured persons are 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 bond 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, Supaul in connection with Triveniganj P.S.
Case No. 120 of 2021, 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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