

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73781 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- RAJIVNAGAR District- Patna

1. Chunni Devi Wife Of Sanjay Kumar @ Sanjay Rajak Resident Of Mohalla - Rajiv Nagar, Road No.21, Near Shiv Temple, P.S. - Rajiv Nagar, District - Patna
2. Vijay Kumar Son Of Sanjay Kumar @ Sanjay Rajak Resident Of Mohalla - Rajiv Nagar, Road No.21, Near Shiv Temple, P.S. - Rajiv Nagar, District - Patna
3. Ajay Kumar Son Of Sanjay Kumar @ Sanjay Rajak Resident Of Mohalla - Rajiv Nagar, Road No.21, Near Shiv Temple, P.S. - Rajiv Nagar, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners as well as Mr. Ram Anurag Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajiv Nagar P.S. Case No. 274 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Sections 341, 342, 323, 325, 324, 307, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have brutally assaulted the



informant due to which he sustained injuries. It is further alleged that all the accused persons have also assaulted the informant's elder brother.

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 it appears from the F.I.R that there is general and omnibus allegation against the petitioners that they have assaulted the informant by means of bamboo and thereafter, the other accused persons have assaulted one Tunnu Singh. He further submits that the injury report of the informant suggests that injury has been caused by blunt and hard substance over the skull of cut approx 105 - 2.03, 2 - 2.5 and 3 - 3.3 and there is no active bleeding seen and till date no final medical report is available on the record. He further submits that from perusal of the F.I.R it appears that the date of occurrence is 15.05.2023 but the present F.I.R has been instituted on 17.05.2023 i.e. after delay of more than 2 days without giving any explanation of the said delay only to falsely implicate the petitioners in the present case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the



petitioners that they have assaulted the informant, namely, Subodh Kumar but fairly submits that there is no direct allegation rather there is general and omnibus allegation against all 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate II, Patna in connection with Rajiv Nagar P.S. Case No. 274 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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