

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81201 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- DAUDPUR District- Saran

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1. Manish Rai Son Of Vinod Rai R/O Vil - Beldari, P.S. - Daudpur, Distt. - Saran At Chapra
 2. Pravin Kumar Rai @ Praveen Rai Son Of Vinod Rai R/O Vil - Beldari, P.S. - Daudpur, Distt. - Saran At Chapra
 3. Vijay Prasad @ Vijay Prasad Rai @ Khelari Rai S/O Late Banarasi Rai R/O Vil - Beldari, P.S. - Daudpur, Distt. - Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Krishna Kumar Yadav, learned counsel

for the petitioners as well as Mr. Umanath Mishra, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daudpur P.S. Case No. 131 of 2022, F.I.R. dated 03.05.2022 for the offences punishable under Sections 147, 341, 323, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have intercepted the informant and on the point of gun they took necklace from his neck worth Rs. 1,25,000/-. It is further alleged that petitioner no. 1 gave knife blow thrice in stomach due to which he sustained injuries.

4. Learned counsel for the petitioners submits that



petitioner nos. 1 and 2 have clean antecedent and petitioner no. 3 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that due to previous land dispute between the parties, the present occurrence has taken place. He further submits that it appears from the F.I.R that there is specific allegation against the petitioner no. 1 that he has inflicted knife blow upon the informant. He further submits that the injury report of the informant suggests that the injury is simple in nature caused by sharp cut and hard and blunt substance. He further submits that both the parties have filed compromise petition before the learned Court below and the informant does not wants to pursue the matter.

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 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 Class, Saran at Chapra in



connection with Daudpur P.S. Case No. 131 of 2022, 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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