

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81547 of 2023**

Arising Out of PS. Case No.-55 Year-2021 Thana- BIKRAMGANJ District-
Rohtas

- =====
1. ASHOK MISHRA @ ASHOK KUMAR MISHRA SON OF SATYA SINDHU MISHRA @ BABAN MISHRA R/O VILLAGE- DURGADIH, P.S.- BIKRAMGANJ, DISTRICT- ROHTAS
 2. PINKI DEVI WIFE OF ASHOK MISHRA @ ASHOK KUMAR MISHRA R/O VILLAGE- DURGADIH, P.S.- BIKRAMGANJ, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Om Prakash Upadhyay, learned counsel for

the petitioner and Mr. Brajendra Nath Pandey, learned A.P.P. for

the State.

The petitioners apprehend their arrest in connection
with Bikramganj P.S. Case No. 55 of 2021 registered for the
offence under Sections 341, 323/34 of the Indian Penal Code.

The petitioners along with others are alleged to have
assaulted the informant due to which he sustained injuries near
left eye, hand and rib of his chest has become fractured.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits



that from bare perusal of the F.I.R. it appears that the F.I.R. is in two parts; in the first part of the F.I.R. there is general and omnibus allegation attributed to the petitioners that they have assaulted the informant and in the second part of the F.I.R. it is alleged that co-accused, Suraj Mishra and Prabha Devi have assaulted the informant. He further submits that there is no specific allegation of assault or any overt act is attributed to the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned A.C.J.M.-I, Bikramganj in connection with Bikramganj P.S. Case No. 55 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled by the Court below.



(2) 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.

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)

brajesh/-

U			
---	--	--	--

