

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85570 of 2023

Arising Out of PS. Case No.-337 Year-2023 Thana- BARHARIA District- Siwan

1. Ramakant Shah @ Rama Kant Gond Son of Late Ramwatar Shah Resident of Village - Gousihata, P.S.- Barharia, District - Siwan.
2. Abhishek Kumar Son of Lallan Shah @ Lalan Prasad Sah Resident of Village - Gousihata, P.S.- Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhramveer, Advocate
For the Informant	:	Mr. Akshay Ashish, Advocate
For the Opposite Party/s	:	Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Dhramveer, learned counsel for the petitioners, Mr. Akshay Ashish, learned counsel for the Informant and Mr. Rana Randhir Singh, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Barharia P.S. Case No. 337 of 2023, F.I.R. dated 01.09.2023 registered for the offences punishable under Sections 341, 323, 379, 504, 506, 307/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with other co-accused persons have brutally assaulted the informant and her daughter by means of sharp cutting weapon and katta as a result of which they got unconscious and blood oozing from their head.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that co-accused person namely Lalan Shah against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 07.02.2024 passed in Cr. Misc. No. 3935 of 2024.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners are named in the F.I.R. and with a common intention they have committed the crime in question and apart from that the petitioners carry one more case other than the present one.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Siwan in connection with Barharia P.S. Case No. 337 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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