

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.661 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- MAHINDWARA District- Sitamarhi

1. Kamod Kumar S/O Uma Shankar Rai R/O Vill-Kharaha@Kharhua, Ps-Mahindwara, Dist-Sitamarhi
2. Shashi Ranjan Kumar @ Brij Mohan Kumar S/O Uma Shankar Rai R/O Vill-Kharaha@Kharhua, Ps-Mahindwara, Dist-Sitamarhi
3. Arvind Rai S/O Late Yogi Rai R/O Vill-Kharaha@Kharhua, Ps-Mahindwara, Dist-Sitamarhi
4. Lal Babu Rai @ Lal Babu Prasad Yadav S/O Late Yogi Rai R/O Vill-Kharaha@Kharhua, Ps-Mahindwara, Dist-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Pramod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Santosh Kumar, learned counsel for the petitioners, Mr. Pramod Kumar Sinha, learned counsel for the informant and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahindwara P.S. Case No. 71 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Sections 341, 323, 302, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to assaulted the father of the informant.



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 from a bare perusal of the FIR it appears that due to land dispute the present occurrence has taken place. He further submits that there is no specific allegation of any assault or over act is attributed against the petitioners rather the specific allegation against the co-accused, namely, Uma Shankar Rai is the order giver and there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that from bare perusal of the post-mortem report it appears that only one injury was found upon the deceased which does not support allegation as alleged in the FIR.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they along with accused persons have assaulted the father of the informant. He further submits that the bail application of the co-accused person, namely, Uma Shankar Rai has been rejected by the Co-ordinate Bench of this Hon'ble Court vide order dated 17.10.2023 passed in Cr. Misc. No. 62477 of 2023.



6. Considering the aforesaid facts and circumstances and the fact the medical evidence does not support the allegation as alleged in the FIR, 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 bonds 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, Sitamarhi/successor Court in connection with Mahindwara P.S. Case No. 71 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

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 bonds 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)

ajay/-

U		T	
---	--	---	--

