

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.615 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- BHEJA District- Madhubani

1. Yasho Ram @ Jaso Ram And Another S/o Saryug Ram Resident of Village- Neema, P.S.- Bheja, Dist.- Madhubani
2. Rajesh Kumar Ram S/o Rajendra Ram Resident of Village- Asma, P.S. Ghanshyampur, Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel

for the petitioners and Mr. Shantanu Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bheja P.S. Case No. 29 of 2023, F.I.R. dated 05.04.2023 for the offences punishable under Sections 342, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have assaulted the informant with deadly weapons due to which he received injuries.

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 there is no specific allegation of any assault or overt act is attributed against these petitioners at best the petitioner may be a member of the unlawful assembly.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioner having clean antecedent and there is no specific allegation of any assault or overt act is attributed against these petitioners, 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 Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Bheja P.S. Case No. 29 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)

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