

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4125 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- NARHATT District- Nawada

1. Mithlesh Rajbanshi @ Mithlesh Kumar Rajvanshi @ Mithlesh Rajvanshi @ Mithlesh Kumar Rajbanshi S/O Jethan Rajbanshi R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada
2. Dilip Rajvanshi S/O Lakhan Rajbanshi R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada
3. Sanjeet Kumar@Sanjeet Rajvanshi S/O Munna Rajbanshi R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada
4. Santosh Kumar S/O Ashok Rajbanshi R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada
5. Mahendra Rajbanshi@Mahindra Rajvanshi S/O Lago Rajbanshi R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada
6. Shivnandan Ram@Siban Ram@Shivnandan Rajvanshi@Shibu Ram S/O Jethan Ram R/O Vill-Jalalpur, Ps-Narhat, Dist-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Sheo Kumar Prasad, learned counsel

for the petitioners as well as Mr. Humayou Ahmad Khan,

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Narhat P.S. Case No. 296 of 2023, F.I.R. dated 25.06.2023 for the offences punishable under Sections 341, 323, 324, 325, 384, 385/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the informant and other persons due to non-fulfillment of demand of extortion.



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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is no allegation of any assault or overt act 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Nawada in connection with Narhat P.S. Case No. 296 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 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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