

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7651 of 2024

Arising Out of PS. Case No.-300 Year-2023 Thana- ROSERA District- Samastipur

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1. Rohit Kumar Sah SON OF Durbin Sah Resident of village Hirmiya, PS-ROSRA, SAMASTIPUR
 2. ROSHAN KUMAR SON OF RAM SWARUP SAH VILL-HIRMIYA, PS-ROSRA, SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rosra P.S. Case No. 300 of 2023 instituted under Sections 147, 149, 341, 323, 379, 342 and 356 of the Indian Penal Code lodged on 8.5.2023 by the informant, Ram Vijay Yadav.

3. As per the prosecution story, the allegation is that when the D.J. team wanted to return after performing in the 'Baarat', they were asked to continue. Later, upon intervention of the parties, they were allowed to leave but were intercepted and assaulted. The allegation is that they also snatched the amplifiers. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that in the FIR, allegation is against unknown, during investigation, one Arvind Kumar was arrested who in his confession before the police, named these petitioners and accordingly, the FIR. They are young boys, students and have no role to play in the matter.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also that FIR is against unknown and their names have comes in the confessional statement of co-accused, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rosra P.S. Case No. 300 of 2023 to the satisfaction of learned A.C.J.M.-I, Rosera, Samastipur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

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