

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2824 of 2024

Arising Out of PS. Case No.-449 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Babloo Kumar Yadav @ Babal S/O- Samhut Yadav R/O- Village- Chotaki Sanadiya, P.S.- Ara Muffasil, Dist.- Bhojpur
2. Raj Kumar Yadav S/O- Samhut Yadav R/O- Village- Chotaki Sanadiya, P.S.- Ara Muffasil, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ataul Haque, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Arrah Muffasil P.S. Case No. 449 of 2023, lodged on 19.10.2023 under Sections 147/149/323/341/307/379 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged against 5 named accused persons including the present petitioners. The allegation made in the FIR that the petitioner no.1 had assaulted the father of the informant by iron rod and allegation against the petitioner no.2 is that he caught the informant and thereafter, the attack has been made by him.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the antecedents of the petitioners are clean and they are in custody since 20.10.2023. Counsel further submits that though the injury report has been annexed as Annexure-P/2 series in which injuries are shown grievous in nature.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the injury report which is annexed, shows that the injuries are grievous in nature.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Arrah Muffasil P.S. Case No. 449 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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