

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3405 of 2024

Arising Out of PS. Case No.-463 Year-2023 Thana- SAHPUR District- Bhojpur

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1. Ravindra Rajak Son of Jagdish Rajak, Village - Barisawan, P.S. Shahpur, District - Bhojpur.
 2. Surendra @ Surendra Rajak Son of Jagdish Rajak, Village - Barisawan, P.S. Shahpur, District - Bhojpur.
 3. Ganesh Rajak Son of Late Laxman Rajak Village - Barisawan, P.S. Shahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ataul Haque, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Md Ataul Haque, the learned counsel for

the petitioners and Mr. Rajesh Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Shahpur PS Case No. 463 of 2023, FIR dated

07.10.2023, registered for the offences punishable under

Sections 147, 148, 149, 323, 504 and 307 of the Indian Penal

Code.

3. According to prosecution case, the petitioners

along with other co-accused persons armed with *iron rod* and

lathi came to the house of the informant and assaulted him,

causing injuries. It is further alleged that the accused persons also assaulted the wife, brother and son of the informant.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there are general and omnibus allegations against all the accused persons including the petitioners.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of assault or overt act attributed against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Bhojpur at Arrah, where the case is pending in connection with **Shahpur PS Case No. 463 of 2023**, subject to the conditions as laid down

under Section 438(2) of the Cr.P.C. and also the 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 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 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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