

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.674 of 2024

Arising Out of PS. Case No.-243 Year-2019 Thana- EKMA District- Saran

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1. Brahm Prakash Giri Son of Shri Raghuvans Mani Giri Village- Raghunath Giri Ke Mathiya, P.S.- Manjhi, District- Saran
 2. Ved Prakash Giri Son of Raghuvans Mani Giri Residents of Village- Raghunath Giri Ke Mathiya, P.S.- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
For the State : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Yashraj Bardhan, learned counsel for the petitioners and Mr. Mohammad Arif, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ekma P.S. Case No. 243 of 2019, F.I.R. dated 26.09.2019 for the offences punishable under Sections 307, 34 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the accused persons dashed the scooty of the informant with motorcycle causing injuries on the person of the informant and two others.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case due to previous enmity between the parties. He further submits that from a bare perusal of the FIR it appears that when the informant was to stop his scooty, co-accused, namely, Raghubansh Mani Giri has dashed to his scooty. He further submits that there is no specific allegation of any assault or overt act or other allegation against these petitioners and the only allegation against them that they were present at the place of the occurrence.

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 petitioners having clean antecedent and there is no specific allegation of any assault or overt act 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 A.C.J.M., 1st Saran, Chhapra in connection with Ekma P.S. Case No. 243 of 2019, 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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