

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3647 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Chandramani Ray Son Of Late Jay Mangal Ray R/O Village- Jitwarpur Nizamat, P.S.- Samastipur Mufassil, Dist.- Samastipur
 2. Amarjeet Kumar Son Of Chandramani Ray R/O Village- Jitwarpur Nizamat, P.S.- Samastipur Mufassil, Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Rajesh Ranjan, learned counsel for the

petitioners and Md. Iftekhar Mahmood, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Mufassil P.S. Case No. 392 of 2023, F.I.R. dated 21.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner no.1 is said to have assaulted by means iron rod to the informant and petitioner no.2 is said to have assaulted by means of *farsa* to the informant.



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 due to petty dispute the present occurrence took place between the parties. He further submits that there is case and counter case between the parties. He further submits that although the informant sustained injury but injury report of the informant suggests that the injury found upon the victim is simple in nature caused by the hard and blunt substance.

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 there is case and counter case between the parties and injury found upon the victim is simple in nature, 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.-II, Samastipur in connection with Samastipur Mufassil P.S. Case No. 392 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 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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