

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3597 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- SURYAPURA District- Rohtas

1. Ram Pravesh Pandey S/O Late Ram Darash Pandey R/O Village- Dabariyan, P.S- Suryapura, Distt.- Rohtas.
2. Dewanti Devi W/O Ram Pravesh Pandey R/O Village- Dabariyan, P.S- Suryapura, Distt.- Rohtas.
3. Brijesh Pandey @ Vijesh Pandey S/O Ram Pravesh Pandey R/O Village- Dabariyan, P.S- Suryapura, Distt.- Rohtas.
4. Bitesh Pandey S/O Ram Pravesh Pandey R/O Village- Dabariyan, P.S- Suryapura, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Dhari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Manish Dhari Singh, learned counsel
for the petitioners and Mr. Upendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Surayapura P.S. Case No. 161 of 2023, F.I.R. dated 04.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons assaulted the informant and by means of *lathi-danda*. When the son of the informant came to save her, he was also assaulted by the accused persons.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits from bare perusal of the FIR it appears 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 there is no specific allegation of any assault or overt act attributed against the petitioners. He further submits the although the informant received injury but injury report of the informant suggests that the injury found upon the victim is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner nos.1, 2 & 3 carry one criminal antecedent other than the present one and petitioner no. 4 carries no criminal antecedent.

6. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate-I Class, Bikramganj, Rohtas in



connection with Surayapura P.S. Case No. 161 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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