

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1909 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- SIMRI District- Buxar

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1. Parmatma Rai Son of Vrindavan Rai Resident of Village-Ekauna P.O-EKauna P.S-Simri Dist-Buxar
 2. Shashikant Rai Son of Kailash Bihari Rai Vill-Ekauna p.o-Ekauna Resident of Village-Ekauna P.O-EKauna P.S-Simri Dist-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Shailendra Kumar Choubey, learned
counsel for the petitioners as well as Mr. Shyam Kumar Singh,
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Simri P.S. Case No. 164 of 2023, F.I.R. dated 27.05.2023 for the offences punishable under Sections 323, 324, 307, 325, 341, 379/34 of the Indian Penal Code.

3. According to prosecution case, both the accused persons along with other accused persons have assaulted the informant and her family members and also took Rs. 30,000/- cash from them.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that the informant is the own brother of petitioner no. 2 and uncle of petitioner no. 1 and due to some petty dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that from perusal of the F.I.R it appears that the allegation against the petitioner no. 2 is that he has assaulted the husband of the informant. Although the husband of the informant has received injuries but the injury report suggest that the injury is simple in nature caused by hard and blunt substance. And after sometime both the parties have settled the dispute and they have filed the compromise petition dated 09.10.2023 before the learned Court below.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they have assaulted the other family members of the informant. He further submits that the petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in the pending case.

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 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, Buxar in connection with Simri P.S. Case No. 164 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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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