

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3562 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- PARSAUNI District- Sitamarhi

1. Umesh Sah Son of Sadhu Sah Resident of Village - Sundaragama, Ward No.- 02, Post - Bhagwanpur, P.S.- Parsauni, District - Sitamarhi
2. Sonali Devi @ Sonali Kumari @ Sita Devi Wife of Sudhir Kumar Resident of Village - Sundaragama, Ward No.- 02, Post - Bhagwanpur, P.S.- Parsauni, District - Sitamarhi
3. Pappu Kumar @ Pappu Sah Son of Umesh Sah Resident of Village - Sundaragama, Ward No.- 02, Post - Bhagwanpur, P.S.- Parsauni, District - Sitamarhi
4. Bablu Kumar @ Bablu Sah Son of Umesh Sah Resident of Village - Sundaragama, Ward No.- 02, Post - Bhagwanpur, P.S.- Parsauni, District - Sitamarhi
5. Gaurav Kumar @ Guddu Sah Son of Umesh Sah Resident of Village - Sundaragama, Ward No.- 02, Post - Bhagwanpur, P.S.- Parsauni, District - Sitamarhi
6. Khusali Kumari @ Khushboo Devi W/o Meghu Sah C/o Meghu Kumar, House No. 8/9, Jagipur Road, Rohan Road, Inder Nagar, Kalka Ludhiana, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Anshuman Singh, learned counsel for the petitioners and Mr. Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Parsauni P.S. Case No. 124 of 2023, F.I.R. dated 18.09.2023 for the offences punishable under Sections 341, 323, 324, 354(B), 325, 379, 307/34 of the Indian Penal Code.



3. According to prosecution case, these petitioners along with other accused persons have brutally assaulted the informant and her family members by means of lathi, rod, farsa, etc. and also threatened to kill them.

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 there is case and counter case between the parties. He further submits that from perusal of the F.I.R it appears that there is specific allegation of assault against the co-accused persons, namely, Mukesh Sah, Lal Babu Sah, Sudhir Kumar and Meghu Sah and there is no specific allegation of any assault attributed against these petitioners.

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

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 Judicial Magistrate, First Class, Sitmarhi in connection



with Parsauni P.S. Case No. 124 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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