

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3760 of 2024

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

1. Lalbabu Sah son of Sadhu Sah Village- Hanuman Nagar, W.No- 2 P.S PBhagwanpur Ps- Parsauni Dist- Sitamarhi
2. Chandan Sah son of Lalbabu Sah Village- Hanuman Nagar, W.No- 2 P.S PBhagwanpur Ps- Parsauni Dist- Sitamarhi
3. Sudhir Kumar @ Sudhir Sah son of Lalbabu Sah Village- Hanuman Nagar, W.No- 2 P.S PBhagwanpur Ps- Parsauni Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-07-2024 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 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and her family members. It is further alleged that they have also tried to outrage the modesty of 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 the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. 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 rather general and omnibus allegation against all the accused persons including these petitioners.

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 and circumstances and the fact that petitioners having clean antecedent, there is no specific allegation of any assault or overt act against the petitioners and there is case and counter case between the parties, 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, First Class, Sitamarhi 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 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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