

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4422 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- KARPURIGRAM District- Samastipur

1. Umesh Sah S/O Late Harihar Sah R/O Village- Rupnarayanpur Bela, Police Station- Karpurigram, District- Samastipur
2. Ashok Sah S/O Late Jagdish Sah R/O Village- Rupnarayanpur Bela, Police Station- Karpurigram, District- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2025 Heard Mr. Ranjan Kumar, the learned counsel for the petitioners and Mr. Ramesh Chandra, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail who are in custody since 25.11.2024, in connection with Karpurigram P.S. Case No. 44 of 2024, FIR dated 02.05.2024, registered for the offences punishable under Sections 341, 323, 447, 307, 379, 354, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons came at the door of the informant and assaulted informant and his family members. It is further alleged that one Umesh Sah took away about one *bhar* of gold chain from the



neck of informant which was worth Rs. 60,000/- (rupees sixty thousand only) and he also snatched cash of Rs. 6,500/- (rupees six thousand and five hundred only) and misbehaved with the women of informant's family.

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 from perusal of FIR, it appears that date of occurrence as alleged in the FIR is on 30.04.2024, but the date of institution of FIR is on 02.05.2024, after a delay of two days without giving any explanation for the said delay. He further submits that there is case and counter case between the parties and although there is specific allegation against these petitioners that they have assaulted the informant and his family members and although informant's side has received the injury, however, petitioners' side has also received the injury. He lastly submits that petitioners are in custody since 25.11.2024.

5. The 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 mainly the facts that petitioners have clean antecedent, there



is case and counter case between the parties and FIR has been instituted after a delay of two days without giving any explanation for the said delay, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class-cum-Additional Munsif, Samastipur, in connection with **Karpurigram P.S. Case No. 44 of 2024**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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