

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5118 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- JAGDISHPUR District- Bhojpur

-
1. Raj Kumar S/O Shankar Singh R/O Village- Dharam Pipra, P.S- Jagdishpur, Distt.- Bhojpur.
 2. Ajay Kumar S/O Ramjee Singh R/O Village- Dharam Pipra, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Jai Narain Thakur, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 305 of 2024, F.I.R dated 07.09.2024 registered for the offences punishable under Sections 190, 191(2), 126(2), 115(2), 329(4), 329(3), 351(2), 109, 191(3) of the B.N.S.S., 2023 and Section 27 of the Arms Act.

3. According to prosecution case, petitioners along with other co-accused persons have assaulted to the informant due to which he received injury.

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 although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that although the informant's side has received the injury but the injury report of the informant's side suggests that all the injuries inflicted upon the injured persons are found to be simple in nature.

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 that petitioners have clean antecedent, there is case and counter case between the parties and there is no specific allegation of any assault or overt act attributed against the petitioners, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Jagdispur P.S.



Case No. 305 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of the B.N.S.S., 2023 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)

ajay/-

U		T	
---	--	---	--

