

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19935 of 2025

Arising Out of PS. Case No.-274 Year-2022 Thana- KALYANPUR District- Samastipur

1. Vikash Kumar Sah Son of Ram Jatan Sah R/o Vill.- Gopalpur, P.S.- Kalyanpur, Dist. Samastipur.
2. Ram Jatan Sah Son of Ramdev Sah R/o Vill.- Gopalpur, P.S.- Kalyanpur, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2025 Heard Mr. Shubhesh Pandey learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 274 of 2022, F.I.R. dated 01.09.2022 for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons armed with lathi, danda and iron rod have brutally assaulted the informant and his mother and also snatched his mother's mangalsutra and Rs. 8,000/- cash from his pocket and fled away.

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 F.I.R is in two parts, according to part one there is general and



omnibus allegation against all the accused persons including these petitioners and according to part two, there is specific allegation against the petitioner no. 1, namely, Vikas Kumar Sah that he has assaulted to the mother of the informant, namely, Shobha Devi due to which she received injury. He further submits that although Shobha Devi has received injury but her injury report reveals that the injury is simple in nature caused by hard and blunt substance. He further submits that there is no specific allegation against the petitioner no. 2.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and injury found on the person of the deceased is simple in nature, 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 1st Class, Samastipur in connection with Kalyanpur P.S. Case No. 274 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /



Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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