

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19943 of 2025

Arising Out of PS. Case No.-228 Year-2021 Thana- BARACHATTI District- Gaya

1. Rajkumari Devi W/o Sambhu Paswan R/o Musehna, P.O.- Kurmawan, P.s.- Dobhi, Distt.- Gaya
2. Shambhu Paswan S/o Late Prabhu Paswan R/o vill - Musena, P.O.- Kurmawan, Barachatti, Distt.- Gaya, Bihar
3. Shiv Shankar Paswan S/o Late Rambali Paswan R/o Musehna, P.O.- Kurmawan, P.s.- Dobhi, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amritanshu Dangi, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2025 Heard Mr. Amritanshu Dangi, learned counsel for the petitioners and Mr. Madhura Nand Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No.228 of 2021, F.I.R. dated 07.04.2021 for the offences punishable under Sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, on 20.02.2021, the petitioners along with other accused person went to the house of the informant and abused and assaulted her. They also threatened the informant of dire consequences.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but from bare perusal of the FIR it transpires that there is no specific allegation of assault or overt act rather there is general and omnibus allegation against the accused person including these petitioners. He further submits that informant has received injury but the injury report of the injured person suggest that injury is simple in nature.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and the injury report of the injured person suggest that injury 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 Additional Chief Judicial Magistrate II, Sherghati, Gaya in connection with Barachatti P.S. Case No.228 of 2021, 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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