

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19973 of 2025

Arising Out of PS. Case No.-423 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Sundar Kali Devi @ Sundrika Devi W/o Jay Prakash Sah Resident of Village- Nanaura, P.S.- Ghorasahan, Distt.- East Champaran
 2. Sarabdeo Sah S/o Late Parikshan Sah Resident of Village- Nanaura, P.S.- Ghorasahan, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Mr. Krishna Kant Singh, learned counsel for the petitioners and Mr. Rana Randhi Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending their arrest in connection with Ghorasahan P.S. Case No. 423 of 2024, F.I.R. dated 28.10.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109(1), 303(2), 324(2), 76, 352, 351(2), 79, 3(5) of the B.N.S., 2023.

3. According to prosecution case, the petitioners along with other co-accused persons came with various weapons assaulted the informant on her head with an intention to kill and also used abusive language.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. There is a case and counter case. From the perusal of the F.I.R., it appears that there is specific allegation against the petitioner no. 1 that he assaulted with bricks below the left eye to the informant and there is no specific allegation of assaulted and over act rather there is general and omnibus allegation against the petitioner no. 2. Form the perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 22.10.2024 but the present F.I.R. has been lodged on 28.10.2024 after delay of six days without giving any explanation of delay. Although, the informant has received injury but the injury report of the informant suggests that injury sustained by the informant is simple in nature and as per injury of Ram Prakash Shah is concerned, he was assaulted by all the accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner.

6. Considering the aforesaid facts that the



petitioners have clean antecedent and there is case and counter case and the injury inflicted upon the petitioner 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-III, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 423 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner 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 petitioner 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 petitioner and in case at



any stage it is found that the petitioner has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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