

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27248 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- Mufassil District- Khagaria

1. Kailash Sah S/O Late Ghuran Sah @ Gharan Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.
2. Ashok Sah S/O Kamal Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.
3. Rupesh Kumar S/O Bipat Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.
4. Amit Sah S/O Kailash Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.
5. Aklesh Sah @ Akhilesh Sah S/O Bipat Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.
6. Pradeep Sah S/O Kamal Sah R/O Village- Bhadas South, P.S. Muffasil, DIstt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2025 Heard Mr. Ranjeet Kumar Singh, learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria Muffasil P.S. Case No. 38 of 2024, F.I.R. dated 18.01.2024 for the offences punishable under Sections 147, 323, 341, 308, 379, 504 of Indian Penal Code.



3. According to prosecution case, the informant alleged that on 18.01.2023 at about 07:00 P.M, the petitioners along with other accused persons arrived at his house and started abusing, on protest, they assaulted him and his family members by means of *lathi*, *danda* and *khanti*. They also took away golden chain and cash of Rs. 50,000/-.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears that due to petty dispute the present occurrence has taken place and there is case and counter case between the parties. 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 is general and omnibus allegation against the accused persons including the petitioners.

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 there is case and counter case and there is no specific allegation 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khgaria in connection with Khagaria Muffasil P.S. Case No. 38 of 2024, 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 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 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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