

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26478 of 2025

Arising Out of PS. Case No.-19 Year-2006 Thana- VIJAYEPUR District- Gopalganj

1. Shitalu Ram @ Sitalu Ram son of Late Nathuni Ram Village- Mathiya Tola, Semrahi, PS- Vijaipur, District- Gopalganj
2. Makuri Ram @ Mukari Ram son of Late Ghughali Ram Village- Mathiya Tola, Semrahi, PS- Vijaipur, District- Gopalganj
3. Kuber Ram son of Late Girdhari Ram Village- Mathiya Tola, Semrahi, PS- Vijaipur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sessions Trial No. 321 of 2011 arising out of Vijaipur P.S. Case No. 19 of 2006 instituted for the offences under Sections 147, 323, 379, 448, 427 of the Indian Penal Code and, later on, cognizance was taken under Sections 147, 323, 448, 427, 324, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of assaulting the Informant and his family members in which the Informant, his



son as well as his wife sustained severe injuries for which they were also admitted to hospital.

4. The present case is the misuse of grant of bail to the petitioners by the learned court below. Learned counsel for the petitioners submits that the petitioners were granted regular bail by the court below on 03.04.2006 and they were on bail till 11.03.2025 when they were arrested by the police in view of the N.B.W. issued on 23.01.2025 by the court below in Sessions Trial No. 321 of 2011. The petitioners were to appear on 23.01.2025 in the case before the learned court below but, due to some confusion and unavoidable circumstances, they could not appear before the learned trial court. He further submits that due to miscommunication, the petitioners could not appear before the learned court below on two consecutive dates despite the order dated 18.09.2024 passed by the court below for physical appearance of the petitioners. Learned counsel for the petitioners further submits that the case is at the stage of Section 313 Cr.P.C. Learned counsel for the petitioners lastly submits that the petitioners undertakes that they will not misuse the privilege of grant of bail in future.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the



petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, 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 Court below/concerned Court in connection with Sessions Trial No. 321 of 2011 arising out of Vijaipur P.S. Case No. 19 of 2006, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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