

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61076 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Binod Kapar Son of Ram Sewak Kapar R/V- Village- Bhuidhara, Ward no. -12, P.S.- Muffasil, Distt.- Samastipur
 2. Sosita Devi wife of Binod Kapar R/V- Village- Bhuidhara, Ward no. -12, P.S.- Muffasil, Distt.- Samastipur
 3. Srawan Kumar Son of Binod Kapar R/V- Village- Bhuidhara, Ward no. -12, P.S.- Muffasil, Distt.- Samastipur
 4. Guriya Kumari @ Guriya Devi D/O- Binod Kapar R/V- Village- Bhuidhara, Ward no. -12, P.S.- Muffasil, Distt.- Samastipur
 5. Bittu Kumar Son of Binod Kapar R/V- Village- Bhuidhara, Ward no. -12, P.S.- Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-04-2025 Heard Mr. Ajay Kumar, learned counsel for the

petitioners and Mr. Pawan Kumar Chaurasia , learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Mufassil P.S. Case No. 133 of 2024, F.I.R. dated 02.04.2024 for the offences punishable under Sections 341, 323, 354, 307, 324, 379, 504, 506, 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners abused and assaulted the informant by means of *Hasua* and *Danda* and snatched golden Jitiya of Rs. 25,000/- from her neck.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR, it appears that there is no specific allegation against these petitioners rather the allegations levelled against the petitioners are general and omnibus and apart from that date of occurrence as alleged is 04.11.2022 but the present complaint has been filed on 28.11.2022, after delay of 24 days without giving any reason and the same was registered on 02.04.2024. He further submits that although the informant has received injury but the injury report suggest that the injury is simple in nature. There is case and counter case between the parties.

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 injury found 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 A.C.J.M II, Samastipur in connection with Samastipur Mufassil P.S. Case No. 133 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 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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