

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74720 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MASHRAK District- Saran

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1. Antu Kumar Rai @ Antu Kumar son of Munna Rai village- Pachkhanda, Ps-Masrakh (Mashrak), Dist- Saran
 2. Mantu Kumar @ Dhiraj Kumar Son of Munna Rai village- Pachkhanda, Ps-Masrakh (Mashrak), Dist- Saran
 3. Lakhpati Devi @ Lakhti Devi Wife of Munna Rai village- Pachkhanda, Ps-Masrakh (Mashrak), Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during pendency of the bail application, the petitioner no. 1, namely, Antu Kumar Rai @ Antu Kumar has been arrested and therefore, the bail application with respect to petitioner no. 1 has become infructuous. Hence, he seeks permission to withdraw this application only with respect to petitioner no. 1.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as



withdrawn with respect to petitioner no. 1.

5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Mashrak P.S. Case No. 428 of 2023, F.I.R. dated 14.08.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including these petitioners armed with lathi, danda, sword, farsa etc., have assaulted the informant and his family members with intention to kill them.

7. Learned counsel for the petitioners submits that petitioner no. 2 carries one criminal antecedent other than the present one and petitioner no. 3 has clean antecedent and they have falsely been implicated in the present case. He further submits that there is allegation against these petitioners that they have assaulted the informant and his family members but the injury report of the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

8. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that the injuries inflicted upon the injured persons are simple in



nature, let the petitioners (except petitioner no. 1), 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, VII, Saran at Chapra in connection with Mashrak P.S. Case No. 428 of 2023, 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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