

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75166 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- HALAI District- Samastipur

Vijay Sah @ Vijay Kumar Sah Son of Ram Prit Sah Village- Kumaia, Ps-
Halai, dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77592 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- HALAI District- Samastipur

Munna Sharma @ Rajeev Raushan S/O Dinesh Prasad Sharma R/O Village-
Kumaiya, P.S- Halai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78027 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- HALAI District- Samastipur

- 1. Kunal Sharma @ Kunal Kumar Sharma S/O Manoj Sharma @ Manoj
Kumar Sharma R/O Village- Kumaiya P.S- Halai District- Samastipur
- 2. Chaman kumar s/o vijay sah r/o village- kumaiya p.s- halai district-
samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75166 of 2024)
For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP
(In CRIMINAL MISCELLANEOUS No. 77592 of 2024)
For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP
(In CRIMINAL MISCELLANEOUS No. 78027 of 2024)
For the Petitioner/s : Mr. Surya Narayan Roy, APP
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr. Surya Narayan Roy, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Halai Case No. 68 of 2024, F.I.R. dated 12.07.2024 for the offences punishable under Sections 103(1), 61(2) and 3(5) of B.N.S. Act.

3. According to prosecution case, the petitioners have assaulted the informant's son with fist and slap and in course of treatment her son died.

4. Learned counsel for the petitioners submits that petitioners are innocent and have clean antecedent and they have falsely been implicated in the present case due to village politics. It appears from the FIR itself that the informant is not the eye witness of the alleged occurrence and merely on the basis of information furnished from the other persons, she has filed the present FIR against these petitioners and no cogent material has come during investigation which suggests the involvement of the petitioners in the alleged occurrence and even the postmortem report of the deceased does not support the allegation alleged in the FIR.

5. The learned Additional Public Prosecutor has

vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners are having clean antecedent, there is no specific allegation against the petitioners and the informant is not the eye witness of the alleged occurrence, 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 1st Class, Samastipur in connection with Halai Case No. 68 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S. Act 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.)

Jyoti Kumari/-

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