
(2021) 03 PAT CK 0104

Patna High Court

Case No: Criminal Miscellaneous No. 31784 Of 2020

Ram Janam Ram And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 12, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 323, 325, 337, 341, 354B, 379, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Rajani Kant Pandey, Nand Kumar

Final Decision: Disposed Of

Judgement

1. Heard Mr. Rajani Kant Pandey, learned counsel for the petitioners and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter

referred to as the "APP" for the State.

2. The petitioners apprehend arrest in connection with Chand PS Case No. 191 of 2019 dated 23.11.2019, instituted under Sections 341, 323, 325, 337,

379, 354B and 504/34 of the Indian Penal Code.

3. The allegation against the petitioners is general and omnibus, of assault by means of bricks and specifically against other co-accused womenfolk of pulling down the mother of the informant and snatching her gold chain.

4. Learned counsel for the petitioners submitted that the allegations are false and frivolous and there was a minor scuffle between the parties.

Learned counsel submitted that there is no motive disclosed in the FIR and further that the injuries are simple in nature as has been noted by the

learned ADJ-V, Kaimur at Bhabua in order dated 19.06.2020, while rejecting the prayer for anticipatory bail of the petitioners. It was submitted that the petitioners have no criminal antecedent.

5. Learned APP submitted that there is allegation of assault by bricks. However, he could not controvert the fact that the same are general and

omnibus and the Court below has noted that the injuries were simple in nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua and/or other

transferee Court in Chand PS Case No. 191 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973

and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to

good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any

illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms

and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present

before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to

cancellation of their bail bonds.

7. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

8. The application stands disposed off in the aforementioned terms.