

(2021) 04 PAT CK 0068

In the Patna High Court

Case No : Criminal Miscellaneous No. 33960 Of 2020

Rabi Verma @ Ravi Kumar Verma And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324, 325, 326(B), 341, 379, 427, 504, 506

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 PAT CK 0068

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Chandra Kant, Nirmala Kumari

Final Decision : Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Chandra Kant, learned counsel for the petitioners and Ms. Nirmala Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.
3. The petitioners apprehend arrest in connection with Guthani PS Case No. 59 of 2020 dated 12.03.2020, instituted under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.
4. Learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no. 7 namely, Dipu Verma, as he has been arrested.
5. In view of thereof, the application on behalf of petitioner no. 7 namely, Dipu Verma stands disposed off as withdrawn and is now restricted to petitioner no. 1 namely, Rabi Verma @ Ravi Kumar Verma; petitioner no. 2 namely, Muni Lal Verma @ Barayaji Verma; petitioner no. 3 namely, Chhoteyaji Verma; petitioner no. 4 namely, Rakesh Verma @ Mochan; petitioner no. 5 namely, Mantu Verma @

Nanhaki; petitioner no. 6 namely, Raju Verma respectively.

6. The allegation against the petitioners is general and omnibus assault and specifically against petitioner no. 1 of hitting the son of the informant by a cricket bat on the head and against petitioner no. 5, of snatching bag of the informant containing Rs. 60,000/- and gold chain.

7. Learned counsel for the petitioners submitted that the specific allegation of farsa blow on head is against co-accused Mukesh Verma and by daab, against co-accused Amit Verma, who are not petitioners herein. Learned counsel submitted that the allegations against the petitioners are cosmetic and there is also a counter case which has been filed earlier to the present case, being Guthani PS Case No. 58 of 2020, on the same date i.e., 12.03.2020 under Sections 147, 148, 149, 341, 323, 324, 325, 326(B), 307, 379 and 427 of the Indian Penal Code. Learned counsel submitted that the petitioner's side and the informant side have their goldsmith shop near to each other and there is business rivalry and there was a fight between the two sides in which the petitioner's side has also sustained injury. It was submitted that even though against petitioner no. 1, the allegation is hitting by cricket bat on the head of son of the informant, neither it has been stated that it has caused any injury nor any injury report has been furnished and further, that the allegation of snatching bag containing Rs. 60,000/- and gold chain is cosmetic in nature. Learned counsel submitted that the petitioners have clean antecedent.

8. Learned APP submitted that the petitioners have assaulted the informant side and have taken Rs. 60,000/- and gold chain from the neck of the son of the informant.

9. 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, petitioner no. 1 namely, Rabi Verma @ Ravi Kumar Verma; petitioner no. 2 namely, Muni Lal Verma @ Barayaji Verma; petitioner no. 3 namely, Chhoteyaji Verma; petitioner no. 4 namely, Rakesh Verma @ Mochan; petitioner no. 5 namely, Mantu Verma @ Nanhaki; petitioner no. 6 namely, Raju Verma, 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, Siwan in Guthani PS Case No. 59 of 2020, 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 said petitioners, (ii) that the said petitioners and the bailors shall execute bond with regard to good behaviour of the said petitioners and that the said petitioners shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or failure to co-operate shall lead to cancellation of their bail bonds.

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

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

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