

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22028 of 2022

Arising Out of PS. Case No.-100 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. RAM VIJAY DAS Son of Jai Ram Das Resident of Village - Bajitpur, P.S. Khodawandpur, (Chhaurahi O.P.), District - Begusarai.
2. Arun Paswan Son of Ram Narayan Paswan Resident of Village - Baturaha, P.S. Khodawandpur, (Chhaurahi O.P.), District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-12-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447,353,193,188/34 of IPC.

The prosecution case, in short, is that the informant Rajnish Kumar was appointed as Care-taker by Chhaurahi C.O. of Financial year 2019-20 of 241 acres land for cultivation and depositing the allowance in the Govt. fund. On 28.05.2020,



informant came to know that some villagers were fighting over the said land situated at Bajitpur tola Baturaha and are assaulting to each other. Some people became injured in the fighting. When he reached on spot on 29.05.2020 he knew that both the parties are fighting to each other. As the Annchal Amin is not appointed so the real Khesras of the land was not known out of 300 Khesras. Both the parties have established their right over the said Khesras before the Hon'ble Court. When he was going to inform the C.O., he knew that both the parties have lodge the FIR against each other in which 18 persons were made accused in the FIR of village Bajitpur tola Baturahi alongwith two women. Prior to this the parties have committed such type of occurrence. They are supported by political parties. Informant is sure that the accused persons are disturbing the public peace and deterring the public servant in discharge of official duty by an illegal manner and also looted the crop and tried to mislead the court by creating false evidence by way of lodging FIR.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including



the petitioners and there is no specific allegation of any assault or overt-act against these petitioners and the petitioners have falsely been implicated in the present case due to land dispute between the parties. Further submits that for the same occurrence, other three FIRs have been instituted against these petitioners and others.

Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of these petitioners but fairly submits that no cogent material has come during investigation against these petitioners. Further submits that the petitioners carry one more case other than the present one.

Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 learned court below where the case is pending in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 100 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



and with other following conditions:-

(1) 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 bonds shall be cancelled by the Court below.

(2) 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.

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 antecedents, 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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