

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28282 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- RUPAULI District- Purnia

1. PRITAM KUMAR @ MUNNA SON OF RAGHUBANSH PRASAD R/O VILLAGE- BIRAULI BAZAR, P.S.- RUPAULI, DISTRICT- PURNEA
2. SUMAN SAURAV @ VIKKY @ MANOJ KUMAR SON OF LATE JAYDEO PRASAD R/O VILLAGE- BIRAULI BAZAR, P.S.- RUPAULI, DISTRICT- PURNEA
3. BITTU KUMAR @ RAJAN KUMAR SON OF LATE JAYDEO PRASAD R/O VILLAGE- BIRAULI BAZAR, P.S.- RUPAULI, DISTRICT- PURNEA
4. SINTU KUMAR @ SURAJ KUMAR SON OF OM PRAKASH PRASAD R/O VILLAGE- BIRAULI BAZAR, P.S.- RUPAULI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 384, 379, 504 and 506 of the Indian Penal Code.

According to the prosecution, on account of construction over the piece of land being carried out by the informant, the petitioners and their companion variously armed with deadly weapon came and asked for ransom in



lieu of construction and on protest made by the informant side, the accused persons started assaulting the informant and his brother by deadly weapons. Thereafter one co-accused, Pradeep Kumar @ Mithu shot fired upon the informant to kill him but the same did not hit him. The brother of informant is also beaten by Pradeep Kumar @ Mithu due to which he sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is admitted land dispute between the parties and on account thereof the petitioners have falsely been implicated in this case. He further submits that as a matter of fact, the present case is a counter version of Rupauli P.S. Case No. 31 of 2022 which was filed against the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and no specific allegation of assault or firing is attributed to them. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, let the, above named, petitioners in the event of their arrest of surrender before the court below 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 Rupauli P.S. Case No. 32 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the investigation and 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 canceled 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 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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