

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38437 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- PATEPUR District- Vaishali

1. BIKAS KUMAR @ VIKASH RAI Son of Chandeshwar Rai Resident of Bardiha Turki, P.S.- Patepur, District - Vaishali
2. Ranjeet Kumar @ Butan Son of Bindeshwar Rai Resident of Bardiha Turki, P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 14-11-2022 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, 354B, 307, 379, 504 and 56 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners along with others are said to have assaulted the informant and his brothers. It is alleged that petitioner, Bikash Kumar fired upon the informant and the petitioner, Ranjit Kumar gave iron rod blow on his leg due to which he fell down. It is further alleged that both the petitioners gave iron rod blow on the head of the cousin brother causing head injuries. The informant further alleges that when the wife



and daughter came to rescue them, the accused persons tried to outrage the modesty of wife and daughter of the informant.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that there is land dispute between the parties and on account of that the present case has been lodged against the petitioners. He further submits that the petitioner No.2 and other persons have also been assaulted by the prosecution party. He further submits that injury report of the victim suggests that injury sustained by the informant are simple in nature which are caused due to hard and blunt substance. He further submits that though there is allegation of open firing against petitioner No.2 but no gun shot injury is found on the person of the deceased. 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 arrest of surrender before the court below within a period of four weeks from the date of 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 Patepur P.S. Case No. 277 of



2020, 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 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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