

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42129 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- BHAWANIPUR District- Purnia

1. BIRENDER SAH @ BIRAN SAH @ BIREND SAH Son of Dhauik Lal Sah @ Dhanik Lal Sah Resident of Village - Tarasi Madhab Nagar, Police Station- Bhawanipur, District - Purnea.
2. Bablu Miyan @ Md. Bablu @ Md. Bablu Miyan @ Bablu son of Oli Miyan Resident of Village - Bhawani Devi Tola, Police Station- Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,325,427,447 of IPC and 27 of Arms Act.

Allegation against the petitioners is that they alongwith other persons armed with deadly weapon went to the



disputed land on tractor on 06.09.2021 and started ploughing the crop in the field which was protested upon on which co-accused Awadhesh Mandal fired gun shot which hit Neelam Devi and thereafter he also fired gun shot on Sushila Devi.

Learned counsel for the petitioners submits that the petitioners have have falsely been implicated in the present case. Further submits that from perusal of the FIR it transpires that the allegation of firing is against co-accused, namely, Awadhesh Mandal. Further submits that there is admitted land dispute between the parties and there is case and counter case and co-accused namely Bablu Singh @ Bablu Kumar Singh, Bablu Mandal, Ankil Choudhary @ Wakil Choudhary have been granted privilege of anticipatory bail by the learned court below itself passed in A.B.P.No.836/2021 and no allegation of any assault or overt-act is there against the petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries four more cases other than the present one and petitioner No.2 carries three more cases other than the present one.

Considering the facts and circumstances of the case, 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 Bhawanipur P.S.Case No.167 of 2021, 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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