

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18223 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- BIDUPUR District- Vaishali

1. Achal Kumar Singh @ Achal Kumar S/O Late Munakka Prasad Singh Resident Of Village- Pakauli, P.S.- Bidupur, District- Vaishali.
2. Purushottam Kumar Pankaj @ Puroshottam Kumar Pankaj S/O Achal Kumar Singh @ Achal Kumar Resident Of Village- Pakauli, P.S.- Bidupur, District- Vaishali.
3. Mamta Devi W/O Achal Kumar Singh @ Achal Kumar Resident Of Village- Pakauli, P.S.- Bidupur, District- Vaishali.
4. Rachana Singh W/O Purushottam Kumar Singh @ Purushottam Kumar Pankaj Resident Of Village- Pakauli, P.S.- Bidupur, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh, Adv.
For the Informant	:	Mr. Pravashankar Mishra, Adv.
		Mr. Rakesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners, in the present case, is seeking pre-arrest bail in connection with Bidupur P.S. Case No. 297 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 504, 506/34 of Indian Penal Code. They have no criminal antecedent as stated in paragraph ‘3’



of the application.

The petitioner no.1 is the *Bhaisur* of the informant, petitioner no.2 is the son of petitioner no.1 and petitioner nos. 3 and 4 are the respective wives of petitioner nos.1 and 2.

Learned counsel for the petitioner submits that on a bare perusal of the first information report giving rise to Bidupur P.S. Case No. 297 of 2022 dated 08.06.2022, it would appear that the allegation against all these petitioners are general and omnibus that they had assaulted the informant side by modern weapons and sword. The parties have dispute over the properties, there is a counter case also lodged by petitioner no.1, in which he has specifically alleged that the informant's side wanted to take forceful possession of his property, whereupon the dispute broke out in which the informant's side had badly assaulted the petitioners' side as a result of which they suffered multiple injuries.

Learned counsel for the petitioners as well as learned counsel for the informant agree that both the sides have indulged in free fight over property dispute and they



have assaulted each other. The injury on the body of petitioner no.1 has been found to be grievous in nature.

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

Having regard to the facts and circumstances of the case, nature of dispute between the parties in course of which the alleged occurrence has taken place, this Court, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 297 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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 bond in terms of the above-mentioned



order shall not be delayed for purpose of or in the name of verification.

And further condition that the petitioner nos. 1 and 2 shall appear before the Investigating Officer within a period of four weeks from today and shall cooperate in course of investigation.

(Rajeev Ranjan Prasad, J)

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