

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17762 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Indal Kumar @ Indal Bind Son Of Naresh Bind
 2. Arvind Bind Son Of Vishnu Bind @ Bisundeo Bind
 3. Mauji Bind Son Of Late Lauka Bind R/O Vill.- Sahasrama, P.S.- Ariari, Distt.- Sheikhpura
 4. Naresh Bind Son Of Magru Bind
 5. Vikash Kumar @ Vikash Bind Son Of Late Amirak Bind
 6. Satyendra Bind Son Of Late Dukhi Bind
ALL R/O Vill.- Sahasrama, P.S.- Ariari, Distt.- Sheikhpura
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Ariari P.S. Case No.298 of 2022 instituted under Sections 147, 149, 341, 323, 385, 506, 504 of the IPC and 27 of the Arms Act lodged on 02.11.2022 by the informant Satish Prasad.

As per the prosecution story, when the informant was ploughing his field, eleven accused persons including these petitioners and 10 to 15 unknown persons came there. Indal Bind pointed pistol on the temple of informant and demanded extortion money for ploughing the field. When informant



protested, Satyendra Bind and Vikas Bind who were armed with pistol and Arvind Bind who was armed with country made rifle, started assaulting the informant. When informant raised alarm. Indal Bind fired bullet upon the informant, but due to misfire informant saved. Arvind Bind fired in the air from his rifle. When accused persons ran towards informant to assault him, informant raised alarm and as the villagers reached there, accused persons fled away after giving threatening. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that due to land dispute, an exaggerated FIR has been lodged in which allegation of extortion is also there, there is no injury on the part of the informant. The last submission is that there is no criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the informant's side do not have any injury and the petitioners do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Ariari P.S. Case No.298 of 2022 to the satisfaction of learned ACJM, Ist, Sheikhpura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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