

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21765 of 2023

Arising Out of PS. Case No.-431 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Ramjee Ram, Son of Late Gulab Ram, Resident of Jagdishpur East, Ward No. 14, P.S. - Jagdishpur, Distt. - Bhojpur At Ara

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Mira Kumari, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Jagdishpur P.S. Case No. 431 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 302 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 27.08.2022 Seema Devi was putting soil on the disputed land. On 29.08.2022 at about 06:10 P.M. all the accused persons along with this petitioner came at the place of occurrence, pushed the father of the informant and assaulted him with fist. Thereafter, all the accused persons assaulted him with lathi and stones. The father of the informant declared dead at the referral Hospital.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case over a land dispute. It is submitted that there is a case and counter case between the parties and this petitioner is a handicap. It is submitted that there is no allegation of any overt act against him and the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioner that there is a case and counter case between the parties, both the parties are full brothers, the alleged occurrence is said to have taken place on account of a land dispute, so far as this petitioner is concerned, he is a handicap and his right leg stands amputated, the allegation against him is that he had instigated the alleged occurrence, however, no overt act has been alleged against him, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 431 of 2022, subject



to the conditions 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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