

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21208 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- PHULWARIA District- Begusarai

1. Shiv Narayan Poddar S/O Late Ram Chalitar Poddar Resident Of Village- Shokhara 02, P.O. Barauni, P.S.- Phulwaria, District- Begusarai.
2. Ram Narayan Poddar S/O Late Ram Chalitar Poddar Resident Of Village- Shokhara 02, P.O. Barauni, P.S.- Phulwaria, District- Begusarai.
3. Lalan Kumar S/O Ram Narayn Poddar Resident Of Village- Shokhara 02, P.O. Barauni, P.S.- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 307, 379, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that when his son and brother went to stop the illegal construction being made on their land by the petitioners, it is alleged that the petitioners assaulted them by *farsa* causing



injury on their head.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the land belongs to the petitioners on which they were making construction, it is further submitted that the petitioners were *parchadhari* who were granted *parcha* by the District Magistrate, Begusarai in the year 1983. Learned counsel submits that petitioners and informant are agnates and the informant was aggrieved by the fact that he was not issued *parcha* and the petitioners were making their construction, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that though the informant has alleged that petitioners assaulted the injured but then the allegation of assault is not specific. It is next submitted that the antecedent which the petitioners carry was also instituted by the present informant. It has been further submitted by the learned counsel that the petitioner no.1 is of 70 years of age and petitioner no.2 is of 65 years of age and till 2002 they were persons with clean antecedent when the FIR came to be instituted against them by the informant, as aforesaid, it is next submitted that in between 2002 till 2022 there is no allegation of any kind against the petitioners.



Learned counsel submits that petitioners will not abscond rather will cooperate in the investigation and will present themselves as and when required by the Investigating Officer for eliciting the truth.

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

Considering the submissions made by the learned counsel for the petitioners and the fact that there is no specific allegation of assault against any of the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Phulwaria P.S. Case No. 138 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this Court are not cooperating in the



investigation or are not presenting themselves when required,
the learned trial court shall be at liberty to cancel the bail
bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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