

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28094 of 2023

Arising Out of PS. Case No.-590 Year-2022 Thana- RAJAOLI District- Nawada

1. Subhash Kumar, S/o Ishwari Das, Resident of village-Telaiya, P.S.-Rajauli, District-Nawada
2. Sadanand Das @ Sadanand Ravidas S/o Bali Das, Resident of village-Telaiya, P.S.-Rajauli, District-Nawada
3. Basant Das, S/o Bali Das, Resident of village-Telaiya, P.S.-Rajauli, District-Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Rajauli P.S. Case No. 590 of 2022 registered for the offences punishable under Sections 143, 341, 323, 379, 354, 504, 506 of the Indian Penal Code. They have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, in the evening of 25.10.2022, all the accused persons including these petitioners came at the house of the informant and started abusing her. When she forbade them not to abuse, Basant Das (petitioner no. 3) pulled her hair and



threw her on the ground, thereafter all the accused persons started assaulting her with lathi/danda, fists and hockey sticks. It is also alleged that accused Sunil Ravidas torn her blouse and the accused Sadanand Das (petitioner no. 2) took golden chain from her neck. On hulla, when her gotni came to save her, all the accused persons assaulted her also.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case over a land dispute. It is submitted that there is case and counter case between the parties. It is further submitted that there is no specific allegation of any overt act against any of these petitioners.

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

Having regard to the facts and circumstances of the case, there being case and counter case between the parties on account of land dispute, there is no specific overt act alleged against any of these petitioners, the nature of allegations are general and omnibus and that it is a case of land dispute, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 590 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 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 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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