

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47555 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- AWTARNAGAR District- Saran

1. Patiram Singh Son Of Late Punit Singh Resident Of Village- Pratappur, Ps- Awatar Nagar, District- Saran At Chapra
2. Binod Kumar Singh @ Binay Kumar Singh Son Of Late Punit Singh Resident Of Village- Pratappur, Ps- Awatar Nagar, District- Saran At Chapra
3. Aditya Kumar @ Golu Kumar @ Golu Kumar Singh Son Of Patiram Singh Resident Of Village- Pratappur, Ps- Awatar Nagar, District- Saran At Chapra
4. Nishu Kumar Son Of Patiram Singh Resident Of Village- Pratappur, Ps- Awatar Nagar, District- Saran At Chapra
5. Nandan Kumar @ Nandan Kumar Singh Son Of Patiram Singh Resident Of Village- Pratappur, Ps- Awatar Nagar, District- Saran At Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Awatar Nagar P.S. Case No. 276 of 2022 registered for the offences punishable under Sections 341, 324, 307, 379, 34 of the Indian Penal Code. Petitioner No. 1 has got four criminal antecedents whereas petitioner nos. 2 to 5 have got three criminal antecedents.

3. As per the prosecution story, on 18.11.2022 at about 02:00 P.M. when the petitioners were cutting soil of the



boundary of the land of the informant and the informant protested against the same, Patiram Singh (Petitioner No. 1) ordered his sons Aditya Kumar Singh (Petitioner No. 3) and Nandan Kumar Singh (Petitioner No. 5) to kill the informant. The petitioner no. 1 assaulted the informant with spade and petitioner no. 3 assaulted him with knife which hit on the left side of his neck. They have also snatched mobile phone and cash worth Rs.19,000/- from the informant. There is allegation of assault against other petitioners also.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a land dispute pending between the parties and decree has been given in favour of petitioner no. 1. It is further submitted that the cases mentioned in paragraph '3' have also been lodged by the present informant and the nature of injury caused to the informant has been shown to be simple in nature.

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

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the land dispute is pending between the parties,



decree has been given in favour of petitioner no. 1 and the cases mentioned in paragraph '3' have also been lodged by the present informant and the nature of injury has been shown to be simple, 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 in connection with Awatar Nagar P.S. Case No. 276 of 2022 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 Judicial Magistrate, 1st Class, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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