

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44208 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- AAYAR District- Bhojpur

1. Shankar Singh Son Of Late Ram Ashish Singh Resident Of Village - Sihar, P.S - Aayar, District - Bhojpur
2. Shiv Dayal Singh Son Of Late Ram Ashish Singh Resident Of Village - Sihar, P.S - Aayar, District - Bhojpur
3. Rabindra Singh @ Ravindra Kumar Son Of Shiv Dayal Singh Resident Of Village - Sihar, P.S - Aayar, District - Bhojpur
4. Birendra Singh Son Of Jagdayal Singh Resident Of Village - Sihar, P.S - Aayar, District - Bhojpur
5. Dharmendra Singh Son Of Jagdayal Singh Resident Of Village - Sihar, P.S - Aayar, District - Bhojpur

... .. Petitioners

Versus

The State Of Bihar, Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anant Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 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 Aayar P.S. Case No- 40 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 354(B), 379, 504, 506 of the Indian Penal Code. They have got one criminal antecedent.

3. Learned counsel for the petitioners submits that on 04.03.2023 when the informant was at home, petitioner nos. 1, 2 and 3 came there and began to take electric wire over the



informant's pet animal shelter covered with accebestus for which the informant along with his uncle resisted. The petitioners then called their family members and they all began to assault the informant with lathi, danda. In this incident, informant's aunt sustained injury on her finger and Dharmendra Singh, petitioner no. 5 even snatched a gold chain from her neck worth Rs. 35,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegations against the petitioners are general, vague and omnibus 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 wherein both the parties are having a land dispute, this case is said to be a counter case of the Aayar P.S. Case No. 37 of 2023, the present FIR has been lodged 22 days after the alleged occurrence and it appears from the FIR itself that the informant has lodged this case because the petitioners-side had lodged a case, the injuries are said to be simple in nature and the allegations against the petitioners are general and omnibus, 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 Aayar P.S. Case No- 40 of 2023 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 Chief Judicial Magistrate, Bhojpur at Ara, 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 allowed.

(Rajeev Ranjan Prasad, J)

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