

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46435 of 2023**

Arising Out of PS. Case No.-29 Year-2023 Thana- AAYAR District- Bhojpur
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1. GULI SINGH son of Ekram Singh Village- Esadhi Ward no-12, Ps- Ayar Dist- Bhojpur
2. Sanjeev Kumar @ Bhadaï Kumar @ Sanjeet Kumar son of Guli singh Village- Esadhi Ward no-12, Ps- Ayar Dist- Bhojpur
3. Rajendra Singh son of Late Surya Singh Village- Esadhi Ward no-12, Ps- Ayar Dist- Bhojpur
4. Surendra Singh son of Late Surya Singh Village- Esadhi Ward no-12, Ps- Ayar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Rajiv Nayan
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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 09-10-2023

Heard Mr. Manish Chandra Gandhi, learned counsel

for the petitioners and Mr. Rajiv Nayan, learned A.P.P. for the
State.

The petitioners apprehend their arrest in
connection with Ayar P.S. Case No. 29 of 2023 registered for
the offence under Sections 341, 323, 307, 504/34 of the
Indian Penal Code.

The petitioners along with others are alleged to
have assaulted the informant and his brother by means of
danda, lathi and khanti causing them deadly injury.

Learned counsel appearing for the petitioners



submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner Nos.1, 3 and 4 bear clean antecedent and petitioner No. 2 carries one criminal antecedent other than the present one. He further submits that there was dispute between the parties with respect to drainage of water and on account thereof scuffle took place between them in which both sides got injured for which case and counter case have been lodged by both the parties. He further submits that according to the F.I.R., the petitioners have assaulted the informant and his brother causing him head injury but the injury report reveals that they have sustained simple injury caused by a hard and blunt substance. No sign of repetition is opined by the doctor nor allegation in this regard has been levelled in the F.I.R. against the petitioners, therefore, no case under Section 307 of the Indian Penal Code is made out against the petitioners. He further submits that petitioner No.1 and 2 have also sustained injury inflicted by the prosecution party. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VIII, Bhojpur, Ara in connection with Ayar P.S. Case No. 29 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 petitioner 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.

(Rajesh Kumar Verma, J)

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