

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51029 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- PIPRA District- Supaul

1. Narad Kumar Son Of Ashok Yadav R/O-Bishanpur, Ward No. 11, P.S.-Pipra, Distt.-Supaul
2. Ankit Kumar Son Of Shivnarayan Yadav R/O-Bishanpur, Ward No. 11, P.S.-Pipra, Distt.-Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 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 Pipra P.S. Case No. 231 of 2022 registered for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 307 & 354 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he was grinding fodder for the cattle, suddenly all the accused persons came there and assaulted him by Farsa, iron rod and lathi. On hearing hulla, father of the informant came to rescue him but he was also assaulted and the



co-accused Yugeshwar Yadav assaulted him on his head by Farsa.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the specific allegation of causing assault on head by Farsa is against co-accused Yugeshwar Yadav. Both the parties have land dispute and father of petitioner no. 1 has lodged Pipra P.S. Case No. 238/2022 against the informant and others, however, petitioners have no criminal antecedent.

5. Learned A.P.P. 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 the allegation of causing assault by these two petitioners upon the father of the informant are general and omnibus with co-accused Ashok Yadav and the specific allegation of causing assault on head by Farsa is against co-accused Yugeshwar Yadav, the submission being that both the parties have land dispute and father of petitioner no. 1 has lodged Pipra P.S. Case No. 238/2022 against the informant and others and on the strength of general and omnibus allegations nine persons have been implicated, these petitioners have otherwise no criminal antecedent, in the circumstances, this



Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Supaul, in connection with Pipra P.S. Case No. 231 of 2022, 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.

(Rajeev Ranjan Prasad, J)

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