

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46916 of 2023

Arising Out of PS. Case No.-1018 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. MD. BECHAN S/O MD. SHEKHAWAT R/O Mohalla- Kabirpur, P.S- Natnagar, Distt.- Bhagalpur.
2. Tetari W/O Md. Bechan R/O Mohalla- Kabirpur, P.S- Natnagar, Distt.- Bhagalpur.
3. Md. Chunna @ Chunna S/O Md. Bechan R/O Mohalla- Kabirpur, P.S- Natnagar, Distt.- Bhagalpur.
4. Bibi Rokasana W/O Md. Chunna R/O Mohalla- Kabirpur, P.S- Natnagar, Distt.- Bhagalpur.
5. Md. Julkan S/O Md. Bechan R/O Mohalla- Kabirpur, P.S- Natnagar, Distt.- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Shweta, Advocate
Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 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 Nathnagar (Lalmatiya) P.S. Case No. 1018 of 2022 registered for the offences punishable under Sections 341, 324, 307, 504, 506, & 379/34 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 her mother was cleaning her door with water,



his neighbour came and started scuffle with her, in the meantime, all F.I.R. named accused persons having lathi, khanti, knife and bricks came there and assaulted on the head of his mother as a result of which she fell down and became unconscious.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Both the parties are next door neighbour and have land dispute between them and there are general and omnibus kind of allegations against the petitioners.

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 it is submitted by learned learned counsel for the petitioners that there are general and omnibus allegation against them in the First Information Report and it is evident from the F.I.R. itself that both the parties are neighbours and they had a quarrel over a petty issue and then it is further submitted that with the intervention of the well-wishers the matter was compromised on the same day and the parties had decided not to lodge the F.I.R. but on the next day the F.I.R. was lodged, in the impugned order of the learned Sessions Judge, though it is recorded that injuries were caused to the four persons but the nature of injuries are not mentioned and further finding that the allegations are general and



omnibus and the petitioners have no criminal antecedent, 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 Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar (Lalmatiya) P.S. Case No. 1018 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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