

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47059 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- BADHAILA District- Rohtas

1. JALIM CHAUDHARY Son of Motilal Chaudhary Resident of Village-Mathurapur, P.S.-Baghaila, District-Rohtas. Present Address-Mohalla-Mahddiganj, P.S.-Sasaram, District-Rohtas (Bihar)
2. MANISH KUMAR @ GOLU @ MANISH PATEL Son of Jalim Chaudhary Resident of Village-Mathurapur, P.S.-Baghaila, District-Rohtas. Present Address-Mohalla-Mahddiganj, P.S.-Sasaram, District-Rohtas (Bihar)
3. SUNNY KUMAR @ SUNNY KUMAR PATEL Son of Jalim Chaudhary Resident of Village-Mathurapur, P.S.-Baghaila, District-Rohtas. Present Address-Mohalla-Mahddiganj, P.S.-Sasaram, District-Rohtas (Bihar)

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh No.10

For the Opposite Party/s : Mr.Choubey Jawahar

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 Baghaila P.S. Case No. 40 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 384, 379 & 34 of the Indian Penal Code and 27 of the Arms Act. 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 talking with his mother, son and other persons, in the meantime, all the accused persons lashed with



weapons came there and assaulted him and threatened him to kill as also snatched Rs. 10,000/- from his pocket. It is further alleged that when his son came to rescue him, all the accused persons assaulted him by lathi and danda.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the petitioners and the informant side are co-sharer, they are fighting over a land dispute and there is case and counter case between the parties.

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 on behalf of the petitioners that the petitioners and the informant side are co-sharer, they are fighting over a land dispute, the allegations are vague and there is counter case lodged by petitioner no. 1 being Annexure '3' and prior to the said occurrence the petitioner no. 1 had lodged F.I.R. being Baghaila P.S. Case No. 31/2023 dated 07.05.2023, petitioners have otherwise no criminal antecedent and it is submitted that no specific allegation has been attributed to these petitioners, 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Baghaila P.S. Case No. 40 of 2023, 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)

Rajeev/-

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