

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47804 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- ATRI District- Gaya

1. SIDHESHWAR SINGH @ SIDH RAJ GAURAV SINGH Son of Late Hajari Singh @ Late Charan Singh Resident of Village-Baikthpur, P.S.-Atri, District-Gaya
2. RAMDEO SINGH Son of Late Hajari Singh Resident of Village-Baikthpur, P.S.-Atri, District-Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the Informant	:	Mr. Anu Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-12-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Atri P.S. Case No. 06 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code. They have got two criminal antecedents in which they have been acquitted.

3. As per the prosecution story, on 01.01.2023 at about 2:30 pm, the informant along with his son was going to *khalian* and when they reached in front of the house of one Ganauri Ram, all of a sudden all the accused persons armed

with *garasa*, rod, *lathi-danda* came and started abusing them. It is alleged that when the informant opposed, one co-accused Shashishekhar Mayank gave a *garasa* blow over his head and when his son came to his rescue, co-accused Harshit Raj assaulted him by a rod over his head and other accused persons also assaulted them. On *hulla* being raised, nearby people gathered and all the accused persons fled away and the informant and his son were taken to the hospital for treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that both the petitioners are senior citizens aged 84 and 80 years respectively. There is a land dispute between the parties and there is no specific allegation against these two petitioners of causing any grievous injury to the injured.

5. Learned APP 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 that the petitioners are 84 years and 80 years old persons, they have been made accused in a case arising out of long standing enmity due to land dispute and there is no specific allegation attributing the grievous injury of the

informant to the petitioners, 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 Atri P.S. Case No. 06 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya 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)

Rishi/-

U		T	
---	--	---	--