

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56880 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- GAMAHAIRIYA District- Madhepura

Fulchand Pandey Son Of Nunulal Pandey R/O-Jiwachhpur, P.S.-Gamhariya,
Distt.-Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Gamhariya P.S. Case No. 250 of 2022 registered for the offences punishable under Sections 323, 324, 341, 307, 379, 427, 504 & 34 of the Indian Penal Code. He has one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, it is alleged that on 17.11.2022, the informant was cutting his paddy crops with his labours, at the same time the accused persons including the petitioner variously armed with came there and started abusing the informant and stopped him cutting of the crops. When the informant claimed that the land belongs to him then the accused persons assaulted him with Lathi, rod, dabiya causing injury on



his head. It is further alleged that the accused persons snatched Rs. 2500/- from the pocket of the informant. The occurrence took place with respect to land dispute between the parties. The petitioner assaulted with Dabiya which caused injury on the head of the informant.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner is the neighbour of the informant 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 petitioner.

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there is a case and counter case between the parties, both the parties have given two different version of the story, they are having land dispute and the injury report does not corroborate the prosecution story as alleged, the petitioner has also suffered injuries in the alleged occurrence which would be evident from the injury report available on the record, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Madhepura in connection with Gamhariya P.S. Case No. 250 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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