

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59026 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- BHARGAMA District- Araria

1. Pradeep Sah Son Of Late Bahadur Sah
2. Mishri Lal Sah S/O Late Saryug Sah
3. Sablamb Kumar @ Shabnam Kumar Son Of Pradeep Sah
All Resident Of Ward No 15 Gamharia P S Bhargama District Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioners, Miss. Roona, learned counsel appearing for the informant and Mr. Vinod Shanker Modi, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhargama P.S. Case No. 113 of 2023, FIR dated 30.04.2023 registered for the offences punishable under Sections 365, 379, 341, 342, 323, 504, 506, 34 of the Indian Penal Code.

3. As per FIR, due to old land dispute, petitioners alongwith co-accused Sunita Devi (wife of petitioner No. 1) and 4-5 unknown threatened and kidnapped/took Subodh



Kumar Sah and Sadanand Sah.

4. Learned counsel for the petitioners submits that petitioner Nos.1 and 3 carry one more case other than the present one but in this case they are on bail and petitioner No.2 has clean antecedent and they have falsely been implicated in the present case. Further submits that the informant is nephew of the petitioners and the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and due to admitted land dispute the petitioners have falsely been implicated in the present case and it has come during investigation that on the date of the occurrence the informant was present in the village.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that after getting bail in the pending matters the petitioners have threatened to the informant and they have not followed the terms and conditions of the bail but fairly submits that previously one compromise was made.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No.113 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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