

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60790 of 2023

Arising Out of PS. Case No.-360 Year-2019 Thana- BAKHTIYARPUR District- Patna

Swarath Roy S/O Late Sahdeo Roy R/O Village- Naya Tola Variyarpur, P.S.
Bakhtiyarpur, Dist. Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shashikant, Advocate

For the Opposite Party : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 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 Bakhtiyarpur P.S. Case No. 360 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 504, 506 and 354 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 24.11.2019 at about 09:30 A.M. when the informant was sitting at his house, in the meantime, the FIR named accused persons including this petitioner came there armed with various weapons and started abusing the informant. The FIR named accused persons alleged that the informant has constructed house on their land which he denied whereafter all the accused persons started assaulting him by lathi and danda. When the family members of the informant



came there to rescue him, they also assaulted them and teased his sister-in-law.

4. Learned counsel for the petitioner submits that the petitioner is said to be the order giver of the alleged occurrence and has not committed any assault. It is further submitted that there is a land dispute between the parties.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is said to be the order giver of the alleged occurrence, he has not committed any assault, it is a case of land dispute and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Bakhtiyarpur P.S. Case No. 360 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., III, Barh, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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