

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66633 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- BAHERI District- Darbhanga

1. ARUN KUMAR DAS @ ARUN DAS son of Shivrath Das Village- Baghauni Ps- Baheri Dist- Darbhanga
2. Sudhir Das @ Surhir Kumar son of Shivrath Das Village- Baghauni Ps- Baheri Dist- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 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 Baheri P.S. Case No. 357 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 26.10.2022 an altercation took place between the informant and accused persons. On the next day, all the accused persons including the petitioners abused and assaulted informant's son and when informant went to intervene petitioner no. 2 is alleged to have



assaulted him with rod and petitioner no.1 assaulted him with bricks on his chest and all the accused persons assaulted the informant and his son. It is alleged that when the informant's wife and daughter came to rescue them, they were also assaulted and misbehaved.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners and the informant are close door neighbours and there is a land dispute going on between the parties. The injury caused to the informant is said to be simple in nature and there is no injury of the informant's son.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that both the parties are neighbour and there is a land dispute over which the alleged occurrence is said to have taken place, the injury on the body of the informant has been found simple in nature caused by hard and blunt substance and there is no injury to the son of the informant which falsifies the allegation of assault upon the son of the informant, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from



today, the petitioners above named be released on bail in connection with Baheri P.S. Case No. 357 of 2022 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 Additional Chief Judicial Magistrate-VII, Darbhanga 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	
---	--	---	--

