

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68754 of 2023

Arising Out of PS. Case No.-90 Year-2021 Thana- AAJAM NAGAR District- Katihar

1. SHYAMDEV SINGH Son of Late Kapildeo Singh R/o vill - Panighatta, P.S. - Azamnagar, Dist. - Katihar
2. Chamaklall Singh Son of Late Kapildeo Singh R/o vill - Panighatta, P.S. - Azamnagar, Dist. - Katihar
3. Panchdev Singh @ Panchdeo Singh Son of Late Kapildeo Singh R/o vill - Panighatta, P.S. - Azamnagar, Dist. - Katihar
4. Chandrasekhar Singh Son of Krishnadeo Singh R/o vill - Panighatta, P.S. - Azamnagar, Dist. - Katihar
5. Sunil Singh @ Sunil Kumar Singh Son of Krishnadeo Singh R/o vill - Panighatta, P.S. - Azamnagar, Dist. - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 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 Azamnagar P.S. Case No.90 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307 and 506 of the Indian Penal Code. The petitioners has got no criminal antecedent.

3. As per the prosecution story, on 28.04.2021 when the informant went to his native village then he saw that all the



accused petitioners were involved in fencing the land of the informant. It is alleged that when the informant raised objection, then all the accused petitioners started assaulting him by iron rod due to which he suffered serious injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that the alleged occurrence is said to have taken place on account of fencing of land and all through the investigation the petitioners were on police bail.

5. Learned A.P.P. 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 appears that three of the petitioners are full brothers of the informant and other two brothers are the cousins of the informant, the alleged occurrence is said to have taken place on account of fencing of land and all through the investigation the petitioners were on police bail, the investigating agency submitted a charge-sheet under the bailable Sections, however, the learned Magistrate differed with the police report and has taken cognizance of the offence under Section 307 IPC and for that reason the petitioners having been summoned they are seeking anticipatory bail, in the



circumstances of the case, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Azamnagar P.S. Case No. 90 of 2021, 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)

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