

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71803 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- JAMOBABAZAR District- Siwan

1. Uma Shankar Prasad @ Uma Shankar Kumar Kushwaha S/o Mohan Prasad R/o- Jagarnathpur, P.S.- Jamo Bazar, District- Siwan
2. Rama Shankar Prasad @ Rama Shankar Kumar s/o Mohan Prasad R/o- Jagarnathpur, P.S.- Jamo Bazar, District- Siwan

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and Mr. Parmanand Kumar, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Jamo Bazar P.S. Case No. 89 of 2022 registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per prosecution story, while the informant was cleaning on his land bearing Khata No. 9, Survey No. 696, in the meantime, his co-villagers Mohan Prasad armed with *Saabal* and both these petitioners and others armed with spade and iron rod came there and told him not to clean the land. When he protested, all the accused persons started assaulting the informant. It is alleged that Rama Shankar Prasad and Uma Shankar Prasad assaulted the



informant on his chest and shoulder by means of spade and iron rod. Rama Shankar Prasad snatched gold chain worth Rs. 40,000/- of the informant. Uma Shankar Prasad took out Rs. 2765/- from the pocket of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that both the parties are khas pattidar and there is land dispute between the parties. Learned counsel submits that co-accused Mohan Prasad @ Mohan Singh who had assaulted on the head of the informant, has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 72445/2022 vide order dated 09.05.2023. There being a counter case also.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the allegations against the petitioners of causing assault on the chest and shoulder of the informant by spade and iron rod is not getting support from the injury report and the co-accused Mohan Prasad against whom the allegation was that he had assaulted by a *Saabal* on the head of the informant causing bleeding from his head has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 72445/2022 vide order dated 09.05.2023, there being a counter case also, the petitioners have otherwise no criminal antecedent, in the circumstances this Court directs that in case of



their arrest/surrender within a period of four 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 A.C.J.M. - X, Siwan in connection with Jamo Bazar P.S. Case No. 89/2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

