

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72171 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. SURENDRA RAM Son of Dukhi Ram Resident of Village - Gaushala Road, Ward No.- 6, P.S.- Madhubani Town, District - Madhubani.
 2. Bhogi Ram Son of Dukhi Ram Resident of Village - Gaushala Road, Ward No.- 6, P.S.- Madhubani Town, District - Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Madhubani Town P.S. Case No. 296 of 2022 corresponding to G.R. No. 1231 of 2022 registered for the offences punishable under Sections 341, 323, 325, 354, 504/34, 448 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the allegation against the petitioners is that there were quarrel in playing between the informant's children and the petitioners' children and the co-accused persons entered into the courtyard of the informant and started abusing. Petitioner no. 1 lashed with iron rod and



Mukesh Ram with Khanti. When her husband came to rescue her then all the accused persons assaulted him.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that that both sides are gotias and due to children dispute the alleged occurrence has taken place.

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

Having regard to the facts and circumstances of the case wherein it is stated that the petitioners' side and informant's side are gotias and the alleged occurrence has been taken place on account of earlier dispute which took place between the children of the two families, the case has been lodged under all bailable sections except one under section 354 I.P.C., the allegations are ornamental in nature and these petitioners have no criminal antecedent, in the circumstances, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Madhubani Town P.S. Case No.



296 of 2022 corresponding to G.R. No. 1231 of 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)

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