

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3915 of 2024

Arising Out of PS. Case No.-570 Year-2023 Thana- BUXAR District- Buxar

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1. Vikash Kumar Rai Son of Akalyan Rai R/o vill - Sohnpatti, P.S. - Buxar (T), Distt. - Buxar
 2. Dev Kumar Tiwari Son of Late Brij Mohan Tiwari R/o vill - Barisawan, P.s. - Sahpur, Distt. - Bhojpur (Ara)
 3. Vimal Kumar Pathak @ Guddu Pathak Son of Malik Pathak R/o vill - Jaso, P.S. - Rajpur, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kuamr Ojha, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr.Anand Kuamr Ojha, learned counsel
for petitioners and Mr.Arun Kumar Singh, learned Additional
Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in connection with Buxar (T) P.S.Case No.570 of 2023, FIR dated 12.10.2023, registered for the offences punishable under Sections 147,148,149,341,323,504,506,385,386 of IPC.

3. As per the FIR, on 11.10. 2023, petitioner and others came and threatened informant to kill. It is further alleged that Vipul Rai has been threatening informant to kill for many months, before. On 12.10.2023 Vipul Rai, Vikash



Rai, Vimal Rai, Dev Kumar Tiwari, Mahesh Ram and 20-25 unknown persons came at the house of the informant and stopped the work, forcibly ousted the labourers and locked the house of the informant.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. From a bare perusal of the FIR it appears that only allegation against the co-accused person, namely, Vipul Rai is that he threatened the informant and attempted to stop the construction work which was going on, on the land of the informant and there is no specific allegation of any assault or overt-act attributed against the petitioners. Further submits that due to a piece of land in question, the present occurrence had taken place.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners and submits that the petitioner Nos.1 and 3 carry one more case other than the present one and petitioner No.2 has clean antecedent.

6. In view of the aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (T) P.S.Case No.570 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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