

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14508 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- NAGAR District- Vaishali

1. Arun Ray @ Arun Rai @ Arun Kumar S/O Upendra Ray @ Upendra Rai R/O Mohalla- Rambhadra, P.S- Hajipur Town, Distt.- Vaishali At Hajipur.
2. Dipak Kumar S/O Upendra Ray @ Upendra Rai R/O Mohalla- Rambhadra, P.S- Hajipur Town, Distt.- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Sachin Kumar, the learned counsel for the petitioners and Mr. Uday Pratap Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Hajipur Town PS Case No. 806 of 2023, FIR dated 05.10.2023, registered for the offences punishable under Sections 147, 148, 149, 504, 506, 307 and 384 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to prosecution case, the accused persons along with four unknown persons abused the informant and demanded Rs. 1,00,00,000/- (Rupees one crore) as *rangdari* and when the informant opposed the same, they opened fire. It is



further alleged that Deepak Kumar and Arun Rain fired upon the informant.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that in fact, there is land dispute between the parties and there is a probate case bearing no. 32 of 2015 is pending between the parties, which was filed by the father of the petitioners against the family member of the informant.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they have fired upon the victim and apart from that both the petitioners carry one more criminal antecedent other than the present one. However, he fairly admits that both the petitioners are on bail in the said cases.

6. Considering the aforesaid facts and circumstances and the fact that that there is admitted land dispute between the parties and also the fact that there is a probate case pending



between the parties, which was filed by the father of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, where the case is pending in connection with **Hajipur Town PS Case No. 806 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(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 learned trial Court 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 learned trial Court 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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