

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14597 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- HATHUA District- Gopalganj

1. MUNNA SAH Son of Banka Sah Resident of Village-Atwadurg, Police Station-Hathua, District-Gopalganj.
2. BANKA SAH Son of Chelhu Sah Resident of Village-Atwadurg, Police Station-Hathua, District-Gopalganj.
3. MUNDRIKA SAH Son of Banka Sah Resident of Village-Atwadurg, Police Station-Hathua, District-Gopalganj.
4. RAJESH KUMAR @ RAJESH SAH Son of Munna Sah Resident of Village-Atwadurg, Police Station-Hathua, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Subhash Kumar, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Subhash Kumar, learned counsel for the
petitioners and Mr. Pranav Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Hathua P.S. Case No. 268 of 2023, F.I.R. dated 13.11.2023 registered for the offences punishable under Sections 341, 323, 379, 324, 307/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 13.11.2023 at around 7:00 A.M. while the informant was going towards field then accused persons namely Munna Sah, Banka



Sah and Rajesh Kumar being armed with weapons inflicted assault upon the informant. It is further alleged that Munna Sah inflicted knife blow, Banka Sah inflicted farsha blow and Rajesh Kumar waving pistol.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is case and counter case between the parties and due to land dispute the present occurrence had taken place and as per allegation in the F.I.R. the petitioner nos. 1 and 2 have assaulted with farsha and knife upon the informant and the informant although has received injuries but the injury report of the informant suggests that injuries are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and due to land dispute the present occurrence had taken place and there is case and counter case between the parties as well as informant received injuries which is simple in nature, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Hathua P.S. Case No. 268 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

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

(3) 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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