

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14501 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Gajadhar Das S/o Late Bilayanti Das @ Hauja R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur
2. Suman Das S/o Gajadhar Das R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur
3. Ankaj Das S/o Gajadhar Das R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur
4. Dhananjay Das S/o Gajadhar Das R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur
5. Sugiya Devi W/o Gajadhar Das R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur
6. Munni Devi W/o Ankaj Das R/o Vill- Sadanand Waisa, P.S. Kahalgaon, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Kahalgaon PS Case No. 629 of 2023, FIR dated 02.06.2023, registered for the offences punishable under Sections 147, 341, 323, 354, 435 and 427 of the Indian Penal Code.



3. According to prosecution case, the accused persons abused the informant and were forcing her to vacate the land of *basha* and upon her protest, they assaulted her and set fire in her *basha*.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties and both the parties are agnate to each other. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners and as per the allegation in the FIR, the petitioner no. 1 has assaulted the informant with *lathi*, but there is no injury report available to suggest that the informant has received any injury.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, there is admitted land dispute between the parties and no injury was found on the person of the informant, 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, Bhagalpur, where the case is pending in connection with **Kahalgaon PS Case No. 629 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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