

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13908 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- SANDESH District- Bhojpur

1. Om Prakash Singh son of Seth singh Village- Janesara Ps- Sandesh Dist- Buxar
2. Upendra Kumar Singh son of Seth Singh Village- Janesara Ps- Sandesh Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya, Advocate
Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard Ms. Priya, learned counsel for the petitioner and the State.

2. The petitioners are apprehending arrest in connection with Sandesh P.S. Case No. 231 of 2023 instituted under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code lodged on 25.9.2023 by the informant, Seth Singh.

3. As per the prosecution story, the informant who is father of the two petitioners has alleged that the petitioners herein took all his land/pension related documents and later, when he was sitting in his court-yard, started abusing. When this was protested, their sons Amit Kumar and Chandan Kumar gave deadly blow on his head causing injury. They also



assaulted their own brothers as also sister-in-law. This followed the FIR.

4. Learned counsel for the petitioners submit that only allegation of abuse is against these petitioners while allegation of assault is on Amit Kumar and Chandan Kumar who are grand sons of the informant. Lastly, they do not have criminal antecedents.

5. Learned APP opposes the prayer stating that the sons and the grand sons have assaulted their parents.

6. Though the allegations if true is/are unfortunate, the main allegation is against grand sons, namely Amit Kumar and Chandan Kumar, these two petitioners who are sons of the informant, allegation is of abusing him, they do not have criminal antecedents, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sandesh P.S. Case No. 231 of 2023 to the satisfaction of learned Judicial Magistrate, Bhojpur at Ara subject to the



conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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