

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14500 of 2024

Arising Out of PS. Case No.-139 Year-2020 Thana- SURYAGARHA District- Lakhisarai

1. Sonu Kumar Son of Om Prakash Ray Resident of Village- Adupur, P.S.- Surajgarha, Dist.- Lakhisarai
2. Rohit Kumar Son of Om Prakash Ray Resident of Village- Adupur, P.S.- Surajgarha, Dist.- Lakhisarai
3. Nitek Kumar Son of Om Prakash Ray Resident of Village- Adupur, P.S.- Surajgarha, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 12-03-2024 Heard Mr. Rabi Bhushan, the learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, the learned Additional Public Prosecutor for the State.
2. After some arguments, learned counsel for the petitioners seek permission to withdraw the anticipatory bail application with respect to petitioner no. 2 namely, Rohit Kumar.
3. Permission, as prayed for, is accorded.
4. Accordingly, the anticipatory bail application with respect to petitioner no. 2 is dismissed as withdrawn.
5. The petitioner nos. 1 and 3 are apprehending their



arrest in connection with Surajgarha PS Case No. 139 of 2020, FIR dated 11.07.2020, registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code.

6. According to prosecution case, FIR named accused persons along with five unknown persons armed with weapons came at the house of the informant and assaulted him. It is further alleged that during the assault, one blow was made on the head of the informant by means of iron-rod due to which he sustained injury. It is lastly alleged that the accused persons also assaulted the brother of the informant by means of *lathi*, *danda* and *khanti*.

7. Learned counsel for the petitioner nos. 1 and 3 submits that petitioner nos. 1 and 3 have clean antecedent and they have falsely been implicated in the present case. He further submits that although the petitioner nos. 1 and 3 are named in the FIR, along with other co-accused persons, but upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner nos. 1 and 3, rather the same is attributed against co-accused persons namely, Rahul Kumar and Rohit Kumar. He lastly submits that due to admitted land dispute the present occurrence has taken place.



8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner nos. 1 and 3.

9. Considering the aforesaid facts and circumstances and the fact that the petitioner nos. 1 and 3 have clean antecedents, there is admitted land dispute between the parties and there is no specific allegation of any assault or overt act attributed against petitioner nos. 1 and 3, let the petitioner nos. 1 and 3, 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 Judicial Magistrate-1st Class, Lakhisarai, where the case is pending in connection with **Surajgarha PS Case No. 139 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner nos. 1 and 3 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 bond shall be



cancelled by the learned trial Court.

(ii). If the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3 and in case, at any stage, it is found that the petitioner nos. 1 and 3 have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner nos. 1 and 3. 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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