

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18077 of 2024

Arising Out of PS. Case No.-429 Year-2022 Thana- KHUSRUPUR District- Patna

1. RAJESH KUMAR SON OF MONA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
2. KAMLESH KUMAR SON OF MONA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
3. MUKESH KUMAR SON OF MONA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
4. AKLESH KUMAR SON OF MONA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
5. SANTOSH KUMAR SON OF DHIRENDRA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
6. BHAGWAT SINGH SON OF LATE BUDHDEO SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
7. LAXMAN KUMAR SON OF DHIRENDRA SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
8. KAMAL SINGH SON OF BHAGWAT SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
9. TANTAN SINGH SON OF ARVIND SIINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
10. JAIRAM SINIGH SON OF ARVIND SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
11. PINTU KUMAR SON OF BHAGWAT SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
12. AMAN KUMAR SON OF SUBALI SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA
13. DHIRENDRA SINGH SON OF LATE CHANARIK SINGH RESIDENT OF VILLAGE - MANSOORPUR DIH, P.S. - KHUSHRUPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

2 14-03-2024 Heard Mr. Vijay Anand, learned counsel for the petitioners and Mr. Anuj Kumar Shrivastava, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khushrupur P.S. Case No. 429 of 2022, F.I.R. dated 06.11.2022 registered for the offences punishable under Sections 341, 323, 325, 307, 457, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in brief, is that on 06.11.2022 at 06:00 A.M. Jitendra Kumar, Sugendra Singh, City Singh, Kamal Singh, Rajesh Kumar and Kamlesh Kumar attacked his house. On the order of Jai Ram Singh, Sugan Singh fired from double barrel gun which hit Sohan Singh and he got injured. Jitendra Kumar assaulted Neha Devi with iron rod which caused injury nirar. City Kumar assaulted Nirmala Devi with khanti on her leg. Aman Kumar had pistol in his hand. Santosh Kumar, Laxman Kumar, Kamlesh Kumar, Akhilesh Kumar, Mukesh Kumar, Tantan Singh, Bhagat Singh, Kamal Singh and Pintu Kumar having spears, garasa, rod, lathi entered into the house and Dhirendra Singh ordered them to loot all the articles. Kamal Kumar took Rs 20,000/- kept in the box and Aman Kumar pointed pistol on Nirmala Devi and snatched her gold chain.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and both the parties are agnates to each other and due to admitted land dispute, the present occurrence had taken place and from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that petitioner nos. 2, 3, 5, 6, 7 and 13 having clean antecedents and petitioner nos. 4 and 9 carry one more case other than the present one and petitioner nos. 1, 8, 10, 11 and 12 carry two more cases other than the present one.

6. Considering the facts and circumstances of the case, 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 Judicial Magistrate, 1st Class, Patna City, Patna in connection with Khushrupur P.S. Case No. 429 of 2022, 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)

Ibrar//-

U		T	
---	--	---	--

