

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20932 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- BHAGWANPUR District- Begusarai

1. Ramashray Malakar S/o Bindeshwari Malakar R/o Village- Manopur, P.S. - Bhagwanpur, Dist. - Begusarai
2. Anurag Kumar Aman S/o Om Prakash Malakar R/o Village- Manopur, P.S. - Bhagwanpur, Dist. - Begusarai
3. Anupam Kumar @ Anupam Chaudhary S/o Shyam Nandan Chaudhary R/o Village- Manopur, P.S. - Bhagwanpur, Dist. - Begusarai
4. Amit Kumar S/o Ateran Mahto R/o Village- Mokhtiyarpur, P.S. - Bhagwanpur, Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Jha, Advocate
For the Opposite Party/s	:	Md. Huzaifa, Advocate
	:	Mr. Kundan Kumar, Advocate
	:	Md. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-07-2024 Heard Mr. Abhay Kumar Jha, learned counsel appearing on behalf of the petitioners; Mr. Ram Bilash Roy, learned APP appearing on behalf of the State and Mr. Kundan Kumar along with Md. Huzaifa, learned counsel for the informant.

2. At the very outset, learned counsel appearing on behalf of the petitioners informs that petitioner no. 2 has been arrested during the pendency of the present bail application and seeks to withdraw the present bail application on behalf of petitioner no. 2, namely, (Anurag Kumar Aman).



3. Accordingly, the present bail application is dismissed as withdrawn in respect of petitioner no. 2

4. So far as petitioner nos. 1, 3 and 4 are concerned, they are apprehending their arrest in connection with Bhagwanpur P.S. Case No. 165 of 2023 registered under Sections 341, 323, 427, 307, 504, 506, 379, 34 of the Indian Penal Code.

5. As per the allegation made in the FIR, due to land dispute between the parties on which the informant was constructing his house on the disputed land, which was objected by the petitioners side and the parties indulged in fierce fight in which informant, his wife and other family members sustained injury.

6. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties for the alleged incidence lodged on the same day. General and omnibus allegation has been levelled against the petitioners. No specific allegation of overt act has been levelled against the petitioner no. 4. On these grounds, petitioner nos. 1, 3 and 4 seek to be released on pre-arrest bail.



7. Md. Huzaifa, learned counsel for the Opposite Party has tendered his appearance on behalf of the informant and has informed this Court that the petitioner no. 3 has eight criminal antecedents and he is a dreaded criminal. So far as petitioner no. 1 is concerned, he admits that there is general and omnibus allegation against him and so far as, petitioner no. 4 is concerned, he has one criminal antecedent. All the petitioners, with common intention, had tried to kill the informant and his family members, as such, they don't deserve to be released on pre-arrest bail.

8. Learned APP for the State has opposed the prayer for bail.

9. Considering the rival submissions made on behalf of the parties, as well as, the evidence which has come in course of investigation, I am not inclined to enlarge petitioner no. 3 on pre-arrest bail. However, he may surrender before the learned District Court and file regular bail application and the learned District Court may consider the regular bail application filed on behalf of the petitioner no. 3 on the same day.

10. So far as, petitioners no. 1 and 4 are concerned, I find that the allegation against them is of assaulting the informant and his family members and the Doctor has opined



that the injuries sustained by them are simple in nature. There is case and counter case between the parties arising out of the same incidence. I am of the opinion that petitioner no. 1 and 4 have, *prima facie*, made out a case to be released on pre-arrest bail.

11. The petitioner nos. 1 and 4 are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Court of C.J.M. Begusarai in connection with Bhagwanpur P.S. Case No.165 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

12. The learned District Court is directed to verify the criminal antecedent of the petitioner nos. 1 and 4 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner nos. 1 and 4 as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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