

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23143 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- DHAMDAHA District- Purnia

1. Dilip Poddar Son Of Late Hiralal Poddar Resident Of Village - Damgara Ghat, P.S. - Dhamdaha, District - Purnia
2. Raju Poddar @ Raju Kumar Poddar Son Of Late Hiralal Poddar Resident Of Village - Damgara Ghat, P.S. - Dhamdaha, District - Purnia
3. Chottu Poddar @ Vikash Poddar @ Bikash Kumar Son Of Late Hiralal Poddar Resident Of Village - Damgara Ghat, P.S. - Dhamdaha, District - Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Vishal Agrawal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Ravish Mishra, learned counsel for the petitioners, Mr. Vishal Agrawal, learned counsel for the informant and Mr. Madhura Nand Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dhamdaha P.S. Case No. 292 of 2023, F.I.R. dated 17.12.2023 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and his family members.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that due to admitted land dispute the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against these petitioners rather general and omnibus allegation attributed against all the accused persons including these petitioners that they have assaulted to the father of the informant and in the present occurrence the informant has also received the injury.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that from a bare perusal of the injury report of the father of the informant it appears that father of the informant has received five injuries and injury report of the father of the informant suggests that injury is grievous in nature.

6. Considering the aforesaid facts, petitioners having clean antecedent, due to admitted land dispute the present



occurrence has taken place, there is case in counter case between the parties and there is no specific allegation of any assault or overt act rather general and omnibus allegation against all the accused persons including the petitioners, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Dhamdaha P.S. Case No. 292 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 antecedent, the court below shall take step for cancellation of bail bonds 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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