

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28791 of 2024

Arising Out of PS. Case No.-403 Year-2023 Thana- DIDARGANJ District- Patna

1. Pintu Kumar son of Late Krishna Singh Village - Gyanchak, P.S. - Didarganj, District - Patna
2. Raju Kumar son of Late Krishna Singh Village - Gyanchak, P.S. - Didarganj, District - Patna
3. Amarjit Kumar son of Late Krishna Singh Village - Gyanchak, P.S. - Didarganj, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Ms. Kumari Sujata Sinha, Advocate
For the Opposite Party : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Didarganj P.S. Case No. 403 of 2023 registered for the offences punishable under Sections 341, 323, 379, 307, 436, 504 and 34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 02.12.2023 at 04:00 pm, informant was at his home feeding the cattle when all the five FIR named accused persons came at his house and started abusing and quarreling. It is alleged that when the informant and his family members forbade them, they assaulted them and



looted gold chain and set his house on fire. Pintu Kumar assaulted Nayara Kumari by means of brick on her head, Raju Kumar assaulted Rupa Devi by brick on her stomach and he also snatched gold ring of Sridevi. It is further alleged that one Manoj Kumar assaulted Kabutri Devi by brick on her back and finger, Amarjeet Kumar and Karan Kumar assaulted Sridevi by brick on her hand. All the injured persons were taken to Government Health Centre Sabalpur, Deodarganj for treatment and the reason for the said occurrence was previous dispute between the parties.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have have falsely been implicated in this case. It is submitted that both the parties are own *gotiyas*, there is a land dispute going on between the parties and because of the said land dispute, a case and counter-case has been filed by both the parties with regard to the same occurrence. It is further submitted that the injuries allegedly caused to the prosecution side have been found to be simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case and the submission that both the parties are own *gotiyas* and there is a land dispute between the parties in respect of which a civil suit is also going on and it is because of the said land



dispute, a case and counter-case has been filed by both the parties with regard to the same occurrence and further that the injuries allegedly caused to the prosecution side are simple in nature, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Didarganj P.S. Case No. 403 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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