

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30373 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Baban Ram @ Baban Prasad Son Of Shyam Sundar Ram
 2. Gupendra Kumar @AMIT @ Amit Raj @ Upendra Kumar Son Of Baban Ram
 3. Deepak Kumar Son Of Baban Ram
 4. Jitendra Kumar Son Of Baban Ram
- All are R/o Village- Barka Dumara, P.S. Ara (Muffasil), Dist- Bhojpur(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-08-2024 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner Nos.2 and 3 with liberty to the petitioners to surrender before the learned court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn as not pressed with respect to petitioner Nos.2 and 3 with the liberty that the petitioners surrender and seek regular bail before the learned court below, the same shall be considered on the same day on its own merit in accordance with law and without being



prejudiced by any observation in the present order.

4. Heard Mr. Manoj Kumar Singh, learned counsel for petitioner Nos. 1 and 4 and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Ara (Muffasil) P.S. Case No. 407 of 2023, FIR dated 15.09.2023 registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506, 34 of the Indian Penal Code.

6. According to prosecution case, informant alleged that on 13.09.2023 at about 7.15 hours water pipe was being used for irrigation in the meantime petitioner No. 1, namely, Baban Ram @ Baban Prasad came there and thrown out of water pipe and said that I will not allow for watering.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault attributed against co-accused persons, namely, Gupendra Kumar @ AMIT @ Amit Raj @ Upendra Kumar and Deepak Kumar.

8. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioners.

9. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioners, let petitioner Nos.1 and 4, 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 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Bhojpur, Ara in connection with Ara (Muffasil)P.S.Case No.407 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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 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)

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