

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32083 of 2024

Arising Out of PS. Case No.-781 Year-2023 Thana- BANKA District- Banka

1. Basuki Tanti Son Of Sadhu Tanti Resident Of Village- Bhatti(Bhitthi), P.S. And District- Banka
2. Atwari Tanti @ Sonu Kumar Son Of Sadhu Tanti Village- Bhatti(Bhitthi), P.S. And Dist- Banka
3. Bhalla Tanti @ Bali Tanti Son Of Sadhu Tanti Village- Bhatti(Bhitthi), P.S. And Dist- Banka
4. Suman Tanti Son Of Sadhu Tanti Village- Bhatti(Bhitthi), P.S. And Dist- Banka
5. Chulhay Tanti @ Santosh Kumar Son Of Basuki Tanti Village- Bhatti(Bhitthi), P.S. And Dist- Banka
6. Kajal Devi @ Kajal Kumari Daughter Of Basuki Tanti Village- Bhatti(Bhitthi), P.S. And Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Banka P.S. Case No. 781 of 2023, registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506, 354, 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the Petitioners and co-accused, Dasu Thakur cut the paddy crops of the Informant. When the informant protested the same,



the Petitioners and co-accused assaulted him and his family members with intent to kill them. During assault the co-accused, Dasu Thakur tried to outrage the modesty of the informant.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that on account of land dispute the occurrence had taken place and in regard to the alleged occurrence the Accused-Petitioners have already lodged Banka P.S. Case No. 780 of 2023 dated 26.11.2023 and as a counterblast to this FIR the present FIR has been lodged by the Informant. In fact on account of land dispute the occurrence had taken place in which there was free fight and both the sides have received injuries.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named,



to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 781 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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