

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33163 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Sachin Kumar Son Of Saroj Prasad R/o Mohalla - Manpur, Shivcharan Lane,
P.S. - Buniyad Ganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Buniyad Ganj P.S. Case No. 301 of 2023, dated 08.10.2023 registered for the offences punishable under Sections 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that informant along with his uncle and aunt asked the Petitioner and other Accused persons to stop the construction of boundary wall, as there is a case pending in the Court in that regard, they assaulted them with iron rod and lathi due to which they sustained injuries.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that the Accused and Prosecution sides are agnates and on account of property dispute the alleged occurrence had taken place. There was a free fight and both the sides received injuries and both sides have lodged FIR. The Petitioner side has filed earlier FIR bearing No. Buniyad Ganj P.S. Case No. 300 of 2023 dated 02.10.2023 whereas the present FIR bearing Buniyad Ganj P.S. Case No. 301 of 2023 has been filed by the informant.

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

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

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class-cum-AM-II, Gaya, in connection with Buniyad Ganj P.S. Case No. 301 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 petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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 petitioner.

(Jitendra Kumar, J)

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