

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33786 of 2024

Arising Out of PS. Case No.-275 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. Ram Chandra Yadav Son of Yugal Yadav, Resident of Village - Raghuniya, Post Office - Ramganj, Police Station - Kumarkhand, District - Madhepura.
2. Mithu Kumar @ Roshan Kumar Son of Ram Chandra Yadav, Resident of Village - Raghuniya, Post Office - Ramganj, Police Station - Kumarkhand, District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Durgesh Kumar, Advocate
For the Opposite Party	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2024 Heard Mr. Durgesh Kumar, the learned counsel for the petitioners and Mr. Chandra Bhushan Prasad, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kumarkhand PS Case No. 275 of 2022, FIR dated 10.08.2022, registered for the offences punishable under Sections 341, 342, 323, 307, 379, 354(B), 427, 504 and 506 read with Section 34 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, eight FIR named accused persons including the petitioners along with twenty-five to thirty unknown persons destroyed the crop of the



informant by ploughing the land in question and when the informant's brother and daughter protested to ploughing, they were also assaulted by the co-accused persons. It is further alleged that one Kishtu Kumar snatched the informant's daughter's *mangalsutra* and also took Rs. 40,000/- (Rupees forty thousand). It is further alleged that one Mukesh Kumar fired about seven times and Kishtu Kumar assaulted on the informant's brother's hand by means of *farsa*.

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 upon perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and there is no specific allegation of any assault or overt act attributed against these petitioners, rather the specific allegation of assault is attributed against co-accused persons namely, Kishtu Kumar, Shambhu Yadav and Mukesh Kumar.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there



is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhepura, where the case is pending in connection with **Kumarkhand PS Case No. 275 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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