

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39136 of 2024

Arising Out of PS. Case No.-309 Year-2012 Thana- BHORE District- Gopalganj

1. Dinesh Baitha @ Dinesh Kumar Baitha Son of Bhorik Baitha R/o Vill.- Piwaravata, P.S.- Bhore, District - Gopalganj.
2. Haresh Bhagat Son of Bindeshwari Bhagat R/o Village - Motipur, P.S.- Bhore, District - Gopalganj.
3. Sachidanand Rai @ Sachitanand Rai Son of Baban Rai R/o Village - Mishrauli, P.S.- Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate
For the State	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Ranjeet Kumar Pandey, learned counsel for the petitioners and Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhore P.S.Case No.309 of 2012, FIR dated 29.02.2012 registered for the offences punishable under Sections 147, 148, 149, 302 and 341 of the Indian Penal Code and under Section 27 of the Arms Act.

3. The prosecution case, in short, the petitioners along with other co-accused persons assaulted the informant's brother-in-law by means of knife and fired upon



him with country made pistol due to which he died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely been implicated in the present case. He further submits that, all the petitioners are named in the FIR but their name has been implicated in the present case due to admitted land dispute between the parties and the police after investigation submitted the final form against the petitioners although the final form has been submitted longback in the year 2019 but the learned Court below had taken cognizance against these petitioners vide order dated 11.09.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the petitioner no.1 carries one more case in which he has been acquitted and petitioner no.2 carries three more cases other than the present one in which in two cases he has been acquitted and in one he is on bail and the petitioner no.3 carries three more cases other than the present one in which he is on bail in one case and other two cases have been disposed of.

6. Considering the aforesaid facts, that police has



filed final form against these petitioners, let the petitioners, 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 Chief Judicial Magistrate, Gopalganj, in connection with Bhore P.S. Case No.309 of 2012, 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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