

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40464 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MEHANDIGANJ District- Patna

1. Teju Kumar S/O Dinanath Prasad @Dina Saw R/O Daldaliganj, P.S.-
Mehandiganj, Distt-Patna
2. Birju Kumar S/O Dinanath Prasad @Dina Saw R/O Daldaliganj, P.S.-
Mehandiganj, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey, Advocate
For the State	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Ranjan Kumar Dubey, learned counsel
for the petitioners and Mr. Anil Prasad Singh, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mehandiganj P.S. Case No. 74 of 2023, F.I.R. dated 25.04.2023 for the offences punishable under Sections 323, 341, 307, 379, 354(A), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, when the informant and her family members were getting a construction work done near their house, in the meantime, all the accused persons including the petitioners armed with *lathi*, *danda* and *hasua* came there and assaulted the informant and her family members.

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 from a bare perusal of the FIR it appears that due to admitted land dispute between the parties the present occurrence has taken place. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that although the informant has received the injury but injury report of the informant suggests that the injury is simple in nature.

5. 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 the fact that petitioners having clean antecedent and there is no specific allegation of any assault or overt act against the petitioners and the injury inflicted upon the informant is simple in nature, let the petitioners, above named, in the event of 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 bonds 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, Patna City in connection with Mehandiganj P.S. Case No. 74 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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