

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42706 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- BIHARIGANJ District- Madhepura

Bauku Rishideo S/O Late Jagain Rishideo, R/O Village- Babhangama, Ward
No. 11, P.S- Bihariganj, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Ranjay Kumar Singh, the learned counsel
for the petitioner and Mr. Shantanu Kumar, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bihariganj PS Case No. 140 of 2023, FIR dated
10.06.2023, registered for the offences punishable under Sections
323, 341, 307, 325, 324, 379 and 506 read with Section 34 of the
Indian Penal Code.

3. According to the prosecution case, the accused
persons including the petitioner were ploughing the land of
informant's father-in-law at gunpoint. It is further alleged that
when the informant's family members forbade the accused persons
in doing so, the co-accused persons assaulted them, causing injury.
It is further alleged that when the informant went to save them, the



accused persons also assaulted her and took away her gold-chain worth Rs. 50,000/- (Rupees fifty thousand).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has 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. It also appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the accused persons including the petitioner.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against him, let the petitioner, above-named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-III, Madhepura, where the case is pending in connection with **Bihariganj PS Case No. 140**



of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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