

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45877 of 2024

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

1. Penter Kumar @ Penter Prasad Son Of Late Girjeshwar Prasad Resident Of Vill- Manpur Shivcharan Lane, P.S.- Buniydganj, District- Gaya.
2. Saurav Kumar Son Of Devanand Prasad Tanti Resident Of Vill- Manpur Shivcharan Lane, P.S.- Buniydganj, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prithivi Raj Singh, Advocate
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 12-07-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The petitioners seek anticipatory bail, apprehending their arrest, in connection with Buniyadganj P.S. Case No. 301 of 2023, dated 08.10.2023 registered for the offences punishable under Sections 323, 307, 354, 379, 504 and 506/34 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 Petitioners 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 petitioners submits that the Petitioners are innocent and have 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 Petitioners' side has filed earlier FIR bearing No. Buniyadganj 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. He further submits that other co-accused person has already been granted anticipatory bail by this Court vide order dated 22.05.2024 passed in Cr. Misc. No. 33163 of 2024.

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

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent.

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

8. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioners, above-named,



to be enlarged on bail, in the event of their 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 their 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. Additional Chief Judicial Magistrate-VIII, Gaya, in connection with Buniyadganj 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 petitioners have any criminal antecedent, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(Jitendra Kumar, J.)

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