

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55625 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- DHAMDAHA District- Purnia

Dilip Poddar Son of Late Hira Lal Poddar, R/O Village- Damgara Hat, P.S.-
Dhamdaha, Dist.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ram Prawesh Kumar, Advocate
For the Informant	:	Mr. Uday Chand Prasad, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2024 Heard Mr. Ram Prawesh Kumar, the learned
counsel for the petitioner, Mr. Uday Chand Prasad, the learned
counsel for the informant and Mr. Sanjay Kumar Singh, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
18.06.2024, in connection with Dhamdaha P.S. Case No. 292 of
2023, FIR dated 17.12.2023, registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 307, 379,
504 and 506 of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court for grant of anticipatory bail in Cr. Misc. No.
23143 of 2024 vide order dated 24.04.2024, but the bail bond of
the petitioner was not accepted on the ground that petitioner



carried three criminal antecedents other than the present one, however, in the petitioner's bail petition it was mentioned that petitioner has clean antecedent. Thereafter, the petitioner again moved for modification application before this Hon'ble Court in Cr. Misc. No. 36236 of 2024, which was dismissed vide order dated 10.05.2024.

4. According to the prosecution case, while the father of informant was on the way to Banmankhi for buying utensils, the co-accused persons surrounded informant's father and assaulted him with an intention to kill, due to which he sustained injury and the co-accused persons also assaulted the grand father of the informant and during the course of assault, they also snatched Rs. 2,500/- (Rupees two thousand and five hundred).

5. Learned counsel for the petitioner submits that from the perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties. He further submits that it also appears from the FIR 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.



6. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that some of the persons from informant's side have also received injuries. Apart from that, the petitioner carries three criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances and mainly the fact that there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with **Dhamdaha P.S. Case No. 292 of 2023**, subject to 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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