

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65615 of 2024

Arising Out of PS. Case No.-378 Year-2024 Thana- DARIYAPUR District- Saran

1. Suchindra Singh @ Sachindra Singh Son of Late Raghunandan Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
2. Santosh Singh @ Santosh Kumar Singh Son of Late Rajendra Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
3. Sudama Singh Son of Suchindra Singh @ Sachindra Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
4. Arjun Singh Son of Late Rajendra Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
5. Surendra Singh Son of Late Raghunandan Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
6. Raja Singh Son of Surendra Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
7. Uma Devi Wife of Raja Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
8. Sindhu Devi @ Vindu Devi Wife of Sudama Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
9. Sima Devi Wife of Santosh Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
10. Rachana Devi Wife of Arjun Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)
11. Jeeramati Kuar @ Jira Mati Kunwar Wife of Late Rajendra Singh Resident of Village - Semrahiya, P.S. - Dariyapur, District - Saran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Udit Narayan Singh,

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Rakesh Kumar, learned counsel for the

petitioners, Mr. Udit Narayan Singh, learned counsel appearing

on behalf of the informant as well as Mr. Madhura Nand Jha,



learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to Petitioner Nos. 2, 4 & 6 namely, Santosh Singh @ Santosh Kumar Singh, Arjun Singh and Raja Singh respectively.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to Petitioner Nos. 2, 4 & 6.

5. The petitioners (except petitioner nos. 2, 4 & 6) are apprehending their arrest in connection with Dariyapur P.S. Case No. 378 of 2024, F.I.R. dated 11.07.2024 for the offences punishable under Sections 326(g), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

6. According to prosecution case, due to old land dispute, the accused persons burnt the old house and dalan of the informant and also threatened her for dire consequences.

7. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, the both the parties are agnate and there is



admitted land dispute between the parties. He further submits that the present case is the counter blast of Dariyapur P.S. Case No. 261 of 2024 and one Partition Suit No. 32 of 2024 is also pending between the parties.

8. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and there is specific averment in the F.I.R that the petitioners are indulged in the present crime in question.

9. Considering the aforesaid facts and circumstances that there is case and counter case between the parties, the petitioners have clean antecedent and due to admitted land dispute the present occurrence has taken place, let the petitioners (except petitioner nos. 2, 4 & 6), 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 bond 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, Saran at Chapra in connection with Dariyapur P.S. Case No. 378 of 2024, 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 bond shall be cancelled by the Court below.
- ii. If the petitioners 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 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 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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