

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65746 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Ragani Kumari D/o- Shyamlal Ram R/o Village- Karan Patti, P.O + P.S- Madhopur Buzurg Dist- Kushinagar, U.P 274406
2. Sarita Devi Wife of Bigu Ram R/o Village- Lachhi Kharea, P.O + P.S- Sanhaula Dist- Gopalganj
3. Vigu Ram Son of late Sovaran Ram r/o Village- Lachhi Kharea, P.O + P.S- Sanhaula Dist- Gopalganj
4. Premchandra Ram Son of Late Sobran Ram R/o Village- Lachhi Kharea, P.O + P.S- Sanhaula Dist- Gopalganj
5. Dharmendra Ram Son of Late Sobran Ram R/O Village- Lachhi Kharea, P.O + P.S-- Sanhaula Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Akshay Ashish, learned counsel for the
petitioners and Mrs. Renu Kumari, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 87 of 2024, F.I.R. dated 19.04.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the informant and their family members by means of sticks and iron rod due to which they sustained injuries.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. and there is specific allegation against these petitioners that they have assaulted the informant and their family members but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners and there is case and counter case between the parties and due to admitted land dispute between the parties the present occurrence had taken place and the injuries inflicted upon the informant's side are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vth, Gopalganj in connection with Gopalpur P.S. Case No. 87 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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