

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64380 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- BUDDHACOLONY District- Patna

Subhash Rai @ Subhash Kumar @ Subhash Gop Son of Late Suresh Rai R/O
Mohalla- North Mandiri Buddha Colony Patna, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 307, 385, 34 of the Indian Penal Code & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he is running a food stall on the land of his father-in-law with the help of his wife but the miscreants intends to take forceful possession of the land hence the accused persons including the petitioner came and threatened to remove his food stall on the point of gun or to pay ransom of Rs.10 lacs, on protest by his wife, accused persons behaved inappropriately with her, further on 13.01.2024 at 12.00 P.M. the petitioner



along with 3-4 unknown accused came and on the orders of the petitioner to assault, as money has not been given, the unknown accused assaulted him by butt of pistol and rod, causing injury on head, further on alarm, when his wife and other relatives came, the accused fled firing.

4. Learned counsel submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute relating to land. It is next submitted that though the informant claims that the land belongs to his father-in-law but the land in dispute belongs to Sitaram Rai, who had instituted non-F.I.R. 3/2023, based on which, police recommended for initiating a proceeding under section 144 of the Cr.P.C. to SDM, Patna Sadar. It is also submitted that earlier the Circle Officer had also written to the ADM, Revenue to stop the construction work over the disputed land by his letter dated 15.03.2013. It is next submitted that even presuming what has been alleged is true without admitting then the petitioner is not alleged to have assaulted rather he has been implicated with an allegation that based on his order, the unknown accused assaulted. It is next submitted at the cost of repetition that petitioner is a person with clean antecedent and is not a criminal.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Buddha Colony P.S. Case No.45/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioner shall verify his criminal antecedent and if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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