

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64633 of 2024

Arising Out of PS. Case No.-355 Year-2024 Thana- AMARPUR District- Banka

1. Bhmeshwar Thakur Son of Late Gobind Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
2. Pramod Thakur Son of Bhmeshwar Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
3. Dilip Thakur Son of Bhmeshwar Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
4. Kundan Thakur Son of Late Naresh Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
5. Nandu Thakur Son of Late Naresh Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
6. Rahul Thakur Son of Pramod Thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka
7. Babita Devi Wife of Dilip thakur R/O-Village- Amarpur, Ward no. 9, Police Station -Amarpur, District- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Ajay Mukherjee, the learned counsel for

the petitioners and Mr. Ram Anurag Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Amarpur PS Case No. 355 of 2024, FIR dated

05.06.2024, registered for the offences punishable under

Sections 341, 323, 325, 354, 379, 504 and 506 read with Section



34 of the Indian Penal Code.

3. According to the prosecution case, the petitioners started abusing the informant and upon his protest the petitioners assaulted the informant and his family members. It is further alleged that the petitioners also stole silver and gold ornaments of informant's wife.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that both the parties are agnates and there is case and counter case between them as well. He lastly submits that although injury report of the injured persons suggests that they have received the injury, however, there is no specific allegation of any assault or overt act attributed against these petitioners, rather the allegation against them is general and omnibus in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, both the parties are agnates, there is case and counter case between



them and due to admitted land dispute the present occurrence has taken place, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate/Court concerned, Banka, where the case is pending in connection with **Amarpur PS Case No. 355 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 petitioners and



in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court 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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