

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67525 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- RAJPUR District- Buxar

1. Chaman Rai @ Alok Rai Son of Bijendra Rai @ Badu Rai, R/o Village- Sagra, PS- Rajpur, Dist- Buxar.
2. Awinash Yadav Son of Chandra Shekhar Yadav, R/o Village- Sagra, PS- Rajpur, Dist- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Soni Srivastava, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mrs. Soni Srivastava, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Ram Anurag Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajpur PS Case No. 210 of 2024, FIR dated 06.07.2024, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 115(2), 118(1), 109, 351(2) and 351(3) of the Bhartiya Nayay Sanhita, 2023.

3. According to the prosecution case, while the informant along with his family members was returning after eye treatment, the FIR named accused persons along with



petitioners and fifteen to twenty unknown persons assaulted the informant and his family members near Dewal Mod.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that due to admitted land dispute between the parties the present occurrence has taken place and there is case and counter case between them as well. She lastly submits that upon perusal of the FIR, it appears that although petitioners are named in the FIR, but, there is no specific allegation of any assault or overt act attributed against these petitioners, rather the specific allegation of assault is attributed against the co-accused person namely, Ashish Rai.

5. 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 petitioners and submits that injury inflicted upon the injured person is found to be grievous in nature and petitioners are named in the FIR as well.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there is case and counter case between the parties and due to admitted



land dispute the present occurrence has taken place and there is no specific allegation of any assault or overt act attributed against the petitioners, 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, Buxar, where the case is pending in connection with **Rajpur PS Case No. 210 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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