

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67617 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Marchhiya Devi W/o Supan Ram @ Supam Ram @ Shupam Ram R/o Village- Harpur, P.S- Rajpur, Distt.- Buxar.
2. Rukminiya Devi @ Rukmani Devi W/o Radheshyam Ram R/o Village- Kharagpura, P.S- Rajpur, Distt.- Buxar.
3. Akhilesh Kumar S/o Baban Ram R/o Vill - Gop Nuawan, P.S.- Muffasil, Distt -Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Sanjay Kumar, learned counsel for the petitioners as well as Mr. Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Buxar (M) P.S. Case No. 48 of 2024, F.I.R. dated 12.02.2024 for the offences punishable under Sections 448, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with deadly weapons have assaulted the informant and her husband and sons. Co-accused, Radheshyam Ram inflicted *gada* blow on the head of the son of the informant causing him injuries.

4. Learned counsel for the petitioners submits that



petitioner nos. 1 and 2 have clean antecedent and petitioner no. 3 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R itself that due to admitted land dispute the present occurrence has taken place and both the parties are agnate. He further submits that from perusal of the F.I.R it appears that the specific allegation is attributed against the co-accused, namely, Radheshyam Ram and there is no accusation of any assault or overt act against these petitioners.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 3 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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 Chief Judicial Magistrate, Buxar in connection with



Buxar (M) P.S. Case No. 48 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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