

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66111 of 2024

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

1. Akshaylal Ram Son of Supan Ram @ Shupam Ram, R/o Village- Harpur, P.S.- Rajpur, District- Buxar
2. Deepak Kumar Son of Radheshyam Ram, R/o Village- Kharagpura, P.S.- Rajpur, District- Buxar
3. Anish Kumar Son of Rajaram Ram @ Rajaram, R/o Village- Gop Nuawan, P.S.- Muffasil, District- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr. Sanjay Kumar, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Navin Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Buxar (M) PS Case No. 48 of 2024, FIR dated 12.02.2024, registered for the offences punishable under Sections 448, 323, 324, 307, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, muscle men of informant's village, variously armed, entered into informant's house and badly assaulted the informant and her family



members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties as well. He further submits that although, there is specific allegation against these petitioners that they along with other co-accused persons have assaulted the husband of the informant and other family members, however, injury report of the injured persons suggests that injury is simple in nature caused by hard and blunt substance. He lastly submits that other co-accused persons namely, Marchhiya Devi & Ors. have been granted the privilege of anticipatory bail *vide* order dated 03.10.2024 passed in Cr. Misc. No. 67617 of 2024.

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, due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties as well



and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, 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 **Buxar (M) PS Case No. 48 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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