

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73251 of 2024**

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

1. Bijendra Rai @ Vijendra Rai @ Baddu Rai Son of Late Munna Rai, R/o Village- Sagra, PS- Rajpur, Dist- Buxar.
2. Dharmendra Rai Son of Late Munna Rai, R/o Village- Sagra, PS- Rajpur Dist- Buxar.
3. Ashish Rai Son of Bijendra Rai @ Vijendra Rai @ Baddu Rai, R/o Village- Sagra, PS- Rajpur, Dist- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                                                               |
|--------------------|---|-----------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mrs. Soni Srivastava, Advocate<br>Mr. Anil Kumar Roy, Advocate<br>Mr. Ajay Upadhaya, Advocate |
| For the State      | : | Mr. Nand Kishore Prasad, APP                                                                  |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-12-2024                      Heard Mrs. Soni Srivastava, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Nand Kishore Prasad, 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, All the FIR named accused persons including the petitioners along with



fifteen to twenty unknown persons assaulted the informant and his family members and also threatened him with dire consequences.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case due to admitted land dispute between the parties. She further submits that there is case and counter case between the parties and both the sides have received the injuries. She further submits that upon perusal of the FIR, it appears that there is no specific allegation attributed against these petitioners, rather there is general and omnibus allegation against all the accused persons including these petitioners. She lastly submits that similarly situated co-accused persons namely, Chaman Rai @ Alok Rai and Awinash Yadav have been granted the privilege of anticipatory bail by this Court vide order dated 03.10.2024 passed in Cr. Misc. No. 67525 of 2024.

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 petitioners have not come before this Hon'ble Court with clean hands as they have concealed their criminal antecedents and on that sole ground they are not



entitled for grant of privilege of anticipatory bail. Apart from that, petitioner nos. 1 and 3 have two criminal antecedents other than the present one, and petitioner nos. 1 and 3 are on bail in both the pending matters while petitioner no. 2 has one criminal antecedent other than the present one and petitioner no. 2 is also on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against these petitioners and 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 , 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)**

Shahnawaz/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

