

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71186 of 2023

Arising Out of PS. Case No.-514 Year-2023 Thana- BIHTA District- Patna

1. Madheshwar Singh S/O Late Savindra Singh
2. Dharmendra Kumar @ Bhola Singh Son of Madheshwar Singh.
Both R/o vill - Rampur Ismailpur Bahpura, P.S. - Bihata, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr.Amarendra Kumar, learned counsel for the petitioners, learned counsel for the informant and Mr.Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bihta P.S.Case No.514 of 2023, FIR dated 25.05.2023 registered for the offences punishable under Sections 341,342,323,324,325,307,379,504,506,34 of IPC.

3. Allegation against petitioner Dharmendra Kumar @ Bhola Singh is that he assaulted with Farsa to the informant causing injury over his head and he also snatched gold chain from his neck and pressing his neck by leg and allegation against petitioner Madheshwar Singh is that he assaulted with



Farsa to Shashikant Sharma causing injury over his head.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case due to admitted land dispute between the parties and there is case and counter case. As per FIR, allegation against the petitioners is that they assaulted with Farsa and Lathi to the informant and his family members, although they have received injury but injury report of Shashikant Sharma suggests that the injury No.3 is simple in nature caused by hard and blunt substance and it appears from the final injury report of Shashikant Singh that one injury is grievous in nature due to fracture in rib and injury report of Bachha Babu Sharma suggests that there was a cut mark over the right arm and he referred to PMCH. Learned counsel for the petitioners submits that in the counter case the informant has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.01.2024 passed in Cr. Misc. No.351 of 2024 and for the same set of land in question, Title Suit No.344 of 2023 is pending before the competent court of law between the parties.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the



prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted to the informant and his family members.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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 learned A.C.J.M., Danapur, Patna in connection with Bihta P.S.Case No.514 of 2023, 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 bonds shall be cancelled by the Court below.

(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 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 antecedents, 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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