

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75686 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- AWTARNAGAR District- Saran

1. Raghunandan Rai son of Late Lal Das Rai Village- Chhotami PS -Avatar Nagar Distt- Saran at Chapra
2. Bhikhari Rai Son of Late Lal Das Rai Village- Chhotami PS -Avatar Nagar Distt- Saran at Chapra
3. Ramesh Rai son of Bhikhari Rai Village- Chhotami PS -Avatar Nagar Distt- Saran at Chapra
4. Rinki Devi @ Rinku Devi Wife of Bhim Kumar Village- Chhotami PS -Avatar Nagar Distt- Saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar Tiwary, Advocate
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioners and
Learned APP for the State

2. The petitioners are apprehending their arrest in connection with Avatar Nagar P.S. Case No. 104 of 2024, lodged on 02.05.2024, under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 14 named accused persons including the present petitioners. It has been alleged that the petitioners and other accused persons reached at the informant's land, in the meantime, a scuffle took place due to which injury has been caused to series of persons.

4. Learned Counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel further submits that the petitioner No. 1 and the petitioner No. 2 are aged about 68 and 69 years respectively. Counsel further submits that the petitioners' side and the informant's side are agnates and in the background of land dispute, a scuffle took place between them. Counsel further submits that the petitioners' side have lodged Avatar Nagar P.S. Case No. 102 of 2024 and in defence the present informant has lodged Avatar Nagar P.S. Case No. 104 of 2024. Counsel also submits that the antecedents of the petitioners are clean and they are ready to fulfill all the conditions whatsoever shall be imposed to them. Counsel further submits that from the FIR, it becomes crystal clear that there is a land dispute between the agnates due to which a scuffle took place.

5. Learned APP for the State opposes the prayer for bail.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of J.M. First Class, Saran at Chapra in connection with Avatar Nagar P.S. Case



No. 104 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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