

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77717 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- JAGDISHPUR District- Bhojpur

1. Bir Bhushan Singh @ Brij Bhushan Singh, S/O Hari Kishun Singh, R/O Vill - Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur
2. Guddu Singh @ Chandraketu Singh, S/O Late Kedar Singh R/O Vill - Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur
3. Brajesh Singh @ Brijesh Kumar Singh, S/O Vinod Singh R/O Vill - Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur
4. Jitendra Singh @ Bhagat Singh, S/O Late Nand Kumar Singh R/O Vill - Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur
5. Raja Kumar, S/O Harendra Singh R/O Vill - Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur
6. Tapan Singh, S/O Hirday Singh R/O Vill- Barki Haradiyan, P.S. - Jagdishpur, Dist - Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in this case are seeking pre-arrest bail in connection with Jagdishpur P.S. Case No. 319 of 2023 registered for the offences punishable under Sections 307, 147, 149, 341, 323, 448, 379, 504, 506 of the Indian Penal Code. The petitioner nos. 3 to 6 have no criminal antecedent whereas petitioner no. 1 has one criminal antecedent and petitioner no. 2 has two criminal antecedents.



3. As per the prosecution story, on 31.07.2023 at about 03:00 P.M. the FIR named accused persons along with these petitioners went at the door of the informant armed with weapons like *lathi*, *danda*, brick, bat, iron rods etc. and assaulted her and one Rani Devi. The petitioner no. 1 tried to outrage the modesty of the informant and assaulted on her head with iron rod. The petitioner no. 4 and one Sagar Singh assaulted the mother-in-law of the informant with *lathi*, *danda* and rod. There is also allegation of assault on other petitioners with iron rods, bricks, and *lathi*.

4. Learned counsel for the petitioners submits that the parties are having land dispute and both the parties have indulged in causing assault to each other. It is submitted that there is case and counter case between the parties.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein the submission is that parties are having a land dispute and in the alleged occurrence both the parties have indulged in causing assault to each other, there is a case and counter case between the parties, the injuries have been caused by traditional weapons like *lathi*, *danda* and those injuries are



said to be simple in nature, the petitioner nos. 3 to 6 have no criminal history while petitioner no. 1 has one criminal antecedent and petitioner no. 2 has two cases in which they are on bail, hence, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be released on bail in connection with Jagdishpur P.S. Case No. 319 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1st, Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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