

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79068 of 2023

Arising Out of PS. Case No.-901 Year-2021 Thana- ARARIA District- Araria

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1. GANESH BHAGAT S/o JAYNARAN BHAGAT R/o Vill - Ward No. 15, Madura, P.S. - Narparganj, Dist - Araria
 2. Suraj Kumar Bhagat S/o Birendra Bhagat R/o Vill - Ward No. 05, Tiraskund Lahsan Ganj 15, Madura, P.S. - Forbesganj, Dist - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Araria P.S. Case No. 901 of 2021 registered under Sections 363 and 365 of the Indian Penal Code lodged on 19.10.2021 by the informant, Anita Devi.

3. As per the prosecution story, the informant alleged that her husband left the place saying that he is going to Forbesganj but when he failed to return and there was no clue about him, the FIR was lodged.

4. Learned counsel for the petitioners submit that there is delay of three days in lodging of the FIR, in her subsequent statement before the police, she alleged that the



petitioners being agnate, there was a land dispute and they may be the culprit. The supervision note, upon call of the case diary, shows that the informant has alleged about the land dispute. He further submits that they do not have criminal antecedent and there is no call record and/or any involvement of them showing thier complicity.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that informant in her subsequent statement, she has named them.

6. Considering the facts on record and also the submissions put forward by the parties, they do not have criminal antecedent, nothing on record in the case diary to show complicity save and except the video submitted by the informant in which she has narrated about the dispute between them relating to land dispute this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 901



of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *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 bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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.

(Rajiv Roy, J)

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