

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77976 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. Khantar Singh S/o Basant Singh Village- Haranchak, PS. Gopalpur, Dist. Bhagalpur
2. Ranjit Singh S/o Late Bikhari Singh Village- Sirpur, PS. Nauagachia, Dist. Bhagalpur.
3. Wakil Singh S/o Baiju Singh Village- Bhawanipur, PS. Kharik, Dist. Bhagalpur.
4. Gulsan Kumar S/o Chhuti Singh @ Chhutihari Singh Village- Sirpur, PS. Naugachia, Dist. Bhagalpur.
5. Nitish Kumar S/o Kamleshwari Singh Village- Sirpur, PS. Naugachia, Dist. Bhagalpur.
6. Dhiraj Kumar S/o Wakil Singh Village- Bhawanipur, PS. Kharik, Dist. Bhagalpur.
7. Suraj Kumar Mandal @ Suraj Kumar S/o Wakil Singh Village- Bhawanipur, PS. Kharik, Dist. Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, 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 the present case are seeking pre-arrest bail in connection with Naugachia P.S. Case No. 192 of 2023 registered for the offences punishable under Sections 147, 447, 341, 323, 307 and 506 of the Indian Penal Code. They have got no criminal antecedent.



3. As per the prosecution story, on 11.06.2023 the informant was making *basa* on a piece of land. It is alleged that the petitioners along with other accused persons came there and asked to stop making *basa* and when the informant refused to do so, co-accused Chhuti Singh assaulted the informant by an iron rod and when his wife came to rescue, she was also assaulted with *lathi*. It is further alleged that the accused persons also snatched gold chain from the neck of informant's wife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the allegations against the petitioners are general and omnibus in nature, there is a case and counter case between the parties and the specific allegation of causing assault is against co-accused Chhuti Singh.

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 it is the submission of the learned counsel for the petitioners that the allegations against these petitioners are general and omnibus, the specific allegation of causing assault is against co-accused Chhutti Singh, there is a case and counter case between the parties and the petitioners have otherwise no



criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Naugachia P.S. Case No. 192 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 Additional Chief Judicial Magistrate-I, Naugachia 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 allowed.

(Rajeev Ranjan Prasad, J)

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