

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86322 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- DHANGAI District- Bhojpur

1. Lalan Upadhyay S/O Late Shiv Balak Upadhyay R/O Village- Shivpur Ganj, P.S- Dhangai, Distt.- Bhojpur.
2. Ankit Kumar Upadhyay S/O Uma Shankar Upadhyay R/O Village- Shivpur Ganj, P.S- Dhangai, Distt.- Bhojpur.
3. Uma Shankar Upadhyay S/O Late Shiv Balak Upadhyay R/O Village- Shivpur Ganj, P.S- Dhangai, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-01-2024 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 Dhangai P.S. Case No.79 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506 and 307/34 of the Indian Penal Code. The petitioner nos. 1 and 2 have got no criminal antecedent, whereas petitioner no.3 has got one criminal antecedent.

3. As per the prosecution story, the petitioners had allegedly assaulted the informant by rod and lathi and threatened him to kill.



4. Learned counsel for the petitioner submits that there is a case and counter case between the parties and the counter case has been lodged by the son of petitioner no.3. Learned counsel submits that there is a land dispute between the parties due to which the alleged occurrence has taken place.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case, there being a case and counter case between the parties, the counter case has been lodged by son of petitioner no.3 and there being a statement that the petitioner no.3 had suffered paralysis attack and hemorrhage in the month of December, 2020 itself and he is under regular treatment and the observations of the learned Sessions Judge saying that the injuries are simple in nature, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara in connection with Dhangai P.S. Case No. 79 of 2023, 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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