

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3797 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- BHARGAMA District- Araria

1. Md. Ajim Son of Late Jalaluddin R/o Village Akarthapa, PS Bhargama, District Araria
2. Md. Naiyar Son of Md. Ajim R/o Village Akarthapa, PS Bhargama, District Araria
3. Md. Raiyan Son of Md. Ajim R/o Village Akarthapa, PS Bhargama, District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.
2. The learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1.
3. Permission is accorded.
4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354-B, 379, 504, 506 and 34 of the Indian Penal Code.



5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place, it is next submitted that from side of the petitioners also Bhargama P.S. Case No. 223 of 2023 has been instituted. It is further submitted that no doubt there is allegation of committing assault by the petitioners but then the injury suffered by the injured is simple in nature. It is also submitted that side of the informant assaulted the side of the petitioners and from the side of the petitioners, some persons received grievous injury which amply demonstrates that it were the informant who were the aggressors.

6. Learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submissions of the learned counsel for the petitioners that the injury suffered by the injured is simple in nature and from the side of the petitioners the injury suffered was grievous, however the learned counsel



appearing on behalf of the O.P. No. 2 submits that petitioners have not approached this Court with clean hands when they have criminal antecedent but at para-3 it has been pleaded that petitioners are persons with clean antecedent.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhargama P.S. Case No. 222 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioners carry criminal antecedent in that event the present order shall not be given effect to.



9. It is made clear that the learned trial court within a period of six weeks from the date of receipt/production of a copy of this order shall verify the criminal antecedent of the petitioners.

10. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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