

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1522 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- ITARHI District- Buxar

1.

Sri Bhagwan Singh S/o Late Parma Singh R/o Village- Khanita, PS Itarhi, Dist. Buxar.
2.

Banarsi Singh S/o Sri Bhagwan Singh R/o Village- Khanita, PS Itarhi, Dist. Buxar.
3.

Sachita Singh @ Aman Prakash Singh S/o Sri Bhagwan Singh R/o Village- Khanita, PS Itarhi, Dist. Buxar.
4.

Babu Ram Singh S/o Sri Bhagwan Singh R/o Village- Khanita, PS Itarhi, Dist. Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s

:

Mr. Shree Kant Pandey, Advocate

For the Opposite Party/s

:

Mr. Chandra Sen Prasad Singh, APP

For the Informant

:

Mr. Piyush Saurav, Advocate

Mr. Abhishek Mishra, Advocate

Mr. Lokesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2

31-01-2024

At the outset, learned counsel for the petitioners submits that petitioner no.3 has been arrested during pendency of this application, therefore this application on his behalf has become infructuous.

2. This application now survives for petitioner nos. 1, 2 and 4.

3. Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

4. The petitioner nos. 1, 2 and 4 in the present case are seeking pre-arrest bail in connection with Itarhi P.S. Case No.

208 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 307 and 379 of the Indian Penal Code. They have got no criminal antecedent.

5. As per the prosecution story, on 31.08.2023 while the informant was at his door, all the accused persons including the petitioners variously armed came and started abusing. It is alleged that when informant's nephew objected, he was assaulted and when the informant and other family members went to save him, they were also beaten due to which they sustained injuries. It is further alleged that one of the accused persons had snatched a gold chain from the son of informant's cousin.

6. Learned counsel for the petitioners submits that on perusal of the FIR it would appear that there is a case and counter case between the parties and so far as these petitioners are concerned, they are neighbours of the informant and the dispute had arisen on account of closure of *rasta* (road). In the FIR, no overt act has been alleged against the petitioners and at best they may be said to be a member of the mob.

7. Learned counsel for the informant has though opposed the prayer for pre-arrest bail of the petitioners but does not dispute that so far as these petitioners are concerned, against them there is no specific allegation of commission of overt act.

8. Learned APP for the State has also opposed the

prayer for anticipatory bail of the petitioner nos. 1, 2 and 4.

9. In the given facts and circumstances of the case, considering the general and omnibus allegations against the petitioners and there being a counter case, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 1, 2 and 4 be released on bail in connection with Itarhi P.S. Case No. 208 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 Judicial Magistrate, 1st Class, Court No.14, Buxar subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner nos.1, 2 and 4 and in case at any stage it is found that they have concealed their criminal antecedents, the court below shall take step for cancellation of their bail bond. 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.

11. This application stands partly allowed.

(Rajeev Ranjan Prasad, J)

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