

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8709 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- BARHARIA District- Siwan

Deepak Kumar @ Deepak Kumar Soni S/O Ramesh Sah R/O Village-
Piprahi, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-03-2025 Heard Ms. Urmila Kumari, learned counsel for the

petitioner and Mr.Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barharia P.S. Case No.415 of 2024, dated 03.09.2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 352, 351(2), 3(5) of B.N.S.Act, 2023.

3. The prosecution story in brief is that on 30.08.2024 at about 10.00 AM. due to land dispute, the pattidars of informant, namely Ramesh Sah, Radika Devi, Suman Devi, Deepak Kumar, Ajit Kumar and Priyanka Kumari came at the door of informant with lathi, danda and started abusing words. Deepak Kumar assaulted the informant Kedar Sah with Dab on



his head and others persons assaulted him with fist and lathi-danda. When son of the informant came to save him then his son was assaulted by Ajit Kumar with Lathi on his head and he received head injury. He was also assaulted by all other persons. The wife of Informant was also assaulted by them and her golden chain worth Rs. 40,000/- was taken by them.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The present case is counter blast of Barharia P.S. Case No.413/2024 filed by the father of the petitioner and both the parties are agnates and it appears from the FIR that the FIR is in two parts. In 1st part, there is specific allegation against the petitioner that he assaulted to the informant and in the 2nd part there is general and omnibus allegation against all the accused persons including the petitioner. Although the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, there is case and counter case and injury inflicted



upon the injured person is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Siwan in connection with Barharia P.S. Case No.415 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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