

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10890 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- Kavaiya District- Lakhisarai

1. Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar
Son of Late Ganesh Prasad Swarnkar @ Ganesh Sah Resident of Pachna
Road, Bypass Chowk, Ward No.19, P.S. - Kaviaya, District - Lakhisarai
2. Ravi Suman Son of Vishnudev Prasad Swarnkar @ Vishnudev Suman Son
of Vishnudev Prasad Swarnkar @ Vishnudev Suman Resident of Pachna
Road, Bypass Chowk, Ward No.19, P.S. - Kaviaya, District - Lakhisarai
3. Sunny Suman Son of Vishnudev Prasad Swarnkar @ Vishnudev Suman
Resident of Pachna Road, Bypass Chowk, Ward No.19, P.S. - Kaviaya,
District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-05-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioners and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Kavaiya P.S. Case No. 269 of 2024 for the offence under Sections 126(2), 115(2), 109(1), 351, 352, 117(3), 74, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, lodged on 09.12.2024 by the informant, Meena Devi.

3. As per the prosecution story, the informant alleged that due to land dispute and construction of boundary wall, the dispute took place and upon opposition, the allegation is that the



petitioner no.1, Vishnudev Prasad Swarankar exhorted the other accused persons which led Vikash Singh and others including the three sons to assault causing injury to the informant's son who was taken to hospital. This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, the land belong to the accused side, Vikash Singh got the land, they were constructing boundary wall, the informant side became aggressor and the scuffle and exaggerated F.I.R.

5. Learned APP opposes the prayer for bail submitting that beside Vikash Singh, the sons of the petitioner no.1, Vishnudev Prasad Swarankar also resorted to brutal assault causing injury on the skull of the informant's son.

6. Considering the submissions of the parties as also the fact that the allegation of brutal assault is on petitioner no.2 and petitioner no.3 namely Ravi Suman and Sunny Suman, respectively their anticipatory bail application stands rejected.

7. So far as the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar is concerned, allegation of assault is not on him, his role has been of order giver and further allegation is that he outraged the modesty of the lady. In that background, this Court is inclined to



extend petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar the privilege of anticipatory bail.

8. Let the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Kavaia P.S. Case No. 269 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no.1, Vishnudev Prasad Swarnkar



@ Vishnudev Suman@ Vishnudeo Swarnkar shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.1, Vishnudev Prasad Swarnkar @ Vishnudev Suman@ Vishnudeo Swarnkar shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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