

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21458 of 2025

Arising Out of PS. Case No.-291 Year-2024 Thana- SANDESH District- Bhojpur

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1. Harendra Sah S/o Late Sipahsee Sah R/o of Village- Bartiyar, P.S.- Sandesh, District- Bhojpur
 2. Mritunjay Kumar S/o Bharat Mahato @ Kanhaiya Mahato @ Bharat Singh R/o of Village- Bartiyar, P.S.- Sandesh, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Baijnath Sah, learned counsel for the
petitioners and Mr. Tapeswar Sharma, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sandesh P.S. Case No. 291 of 2024, F.I.R. dated 13.10.2024 registered for the offences punishable under Sections 126(2), 115(2), 118, 117(2), 303(2), 109, 125(a), 3(5) of B.N.S. , 2023.

3. Allegation against the petitioners is that they have assaulted the informant and his family members on the issue of construction over some disputed land.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is



case and counter case between the parties and it appears from the F.I.R. itself that due to admitted land dispute the present occurrence had taken place. Although the petitioners are named in the F.I.R. and there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties as well as there is no specific allegation of any assault or overt act attributed against these petitioners, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur (Ara) in connection with Sandesh P.S. Case No. 291 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 :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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