

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38099 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- KIUL District- Lakhisarai

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1. Bhuneshwar Tanti S/o- Arjun Tanti @ Arjun Pd. Tanti Village- Goddih Ps-Kiul Dist- Lakhisarai
 2. Sunita Devi W/o- Bhuneshwar Tanti Village- Goddih Ps-Kiul Dist- Lakhisarai
 3. Sajan Kumar S/o- Bhuneshwar Tanti Village- Goddih Ps-Kiul Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-06-2025

1. After some arguments, learned counsel for the petitioners seeks permission to withdraw this bail application with respect to petitioner no.1, namely, Bhuneshwar Tanti with a liberty to the petitioner to surrender before the learned Court below within a period of two weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn with respect to petitioner no.1, namely, Bhuneshwar Tanti with the liberty that the petitioner surrender and seek regular bail before the learned Court below, the same shall be considered on the



same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.

4. Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioners and Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

5. The petitioners are apprehending their arrest in connection with Kiul P.S. Case No. 108 of 2024, F.I.R. dated 23.12.2024 for the offences punishable under Sections 126(2), 352, 351(2), 115, 76, 303(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

6. According to prosecution case, the informant alleged that on 21.12.2024, when she was returning to her home, the petitioners came and assaulted her with *lathi* and iron rod and when her husband came to rescue, they assaulted him also.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that informant is the sister-in-law of the co-accused, namely, Bhuneshwar Tanti. From bare perusal of the FIR it appears that due to admitted land dispute the present occurrence took place. Although the petitioners are named in the FIR but there is no specific allegation of assault or overt act is against the



petitioners rather specific allegation of assault is against co-accused person, namely, Bhuneshwar Tanti.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation of assault or overt act against these petitioners, let the petitioners, above named, in the event of 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Lakhisarai in connection with Kiul P.S. Case No. 108 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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