

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43559 of 2025

Arising Out of PS. Case No.-43 Year-2023 Thana- KACCHWA District- Rohtas

1. Atul Kumar son of Yogendra Singh
2. Yogendra Singh @ Titir Yadav @ Yogendra Yadav @ Yogandra Singh Son of Ramnath Singh
3. Chunmun Kumar @ Chunmun Yadav @ Chanmun Kumar son of Raj Kumar Singh.
All Resident of Village -Niranjanpur Police Station- Kachchhwa District -Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-07-2025 Heard Mr.Raghunandan Kumar Singh, learned counsel for the petitioners and Mr.Ajay Kumar Jha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kachchhwa P.S.Case No.43 of 2023, FIR dated 28.03.2023 registered for the offences punishable under Sections 147,148,149,341,323,337,338,307,448,379,504,506 of Indian Penal Code and Section 27 of Arms Act.

3. Allegedly, all the FIR named accused persons, including the petitioners, forcibly started erecting the wall over the khatiyani land of the informant and when the same was



protested, all of them brutally assaulted the informant resulting into serious injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. It appears from the FIR itself that due to admitted land dispute the present occurrence had taken place and there is case and counter case. The police, after investigation, submitted final form in favour of the petitioners but the learned court below, in a mechanical manner, has taken cognizance against the petitioners and other co-accused persons vide order dated 19.10.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case, and the police, after investigation, submitted final form in favour of the petitioners but the learned court below, in a mechanical manner, has taken cognizance against the petitioners and other co-accused persons, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Kachchhwa P.S. Case No.43 of 2023, 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) 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.

(II) If the petitioners tamper 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 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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