

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38207 of 2025

Arising Out of PS. Case No.-574 Year-2023 Thana- BYPASS District- Patna

1. BAUAJEE @ BABUAAJI SINGH @ BABUAI SINGH Son of LATE ANUP SINGH RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
2. Vikash Kumar Son of Tunnu Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
3. Surender Singh @ Surendra Singh Son of Late Anup Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
4. Tunnu Singh Son of Ram Sahay Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
5. Bachcha Babu @ Bachcha Singh Son of Late Anup Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
6. Amit Kumar Son of Laddu Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA
7. Sanjit Kumar @ Sanjeet Kumar Son of Ram Sahay Singh RESIDENT OF VILLAGE- MARCHA, PS- BYPASS, DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kumar Chaudhary, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Mr. Shyam Kumar Chaudhary, learned counsel
for the petitioners and Mr. Ram Priya Sharan Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bypass P.S. Case No. 574 of 2023, F.I.R. dated 23.12.2023 for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 325, 307, 427, 504, 506 of Indian Penal Code.

3. According to prosecution case, on 23.12.2023, the



informant was constructing boundary on his land, in the meantime, petitioners along with other accused persons came to his land and forbade him to do so. Again, at 06:00 pm, they came at the house of the informant with *lathi*, *danda*, *bhala*, *falsa*, sword, bricks and started throwing bricks and stones at informant's house. On protest, they assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence took place and there is case and counter case between the parties. Although the petitioners are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act against them rather the allegation levelled against them is general and omnibus.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation of assault or overt act against them and there is case and counter case between the parties, 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



JMFC, Patna City, Patna in connection with Bypass P.S. Case No. 574 of 2023, 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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