

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62145 of 2024

Arising Out of PS. Case No.-607 Year-2022 Thana- KONCH District- Gaya

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1. Babita Devi W/O Mahendra Singh R/O Village- Singhra, P.S- Konch, Distt.- Gaya (Bihar).
 2. Mahendra Singh S/O Ram Raj Singh R/O Village- Singhra, P.S- Konch, Distt.- Gaya (Bihar).
 3. Ganesh Kumar S/O Mahendra Singh R/O Village- Singhra, P.S- Konch, Distt.- Gaya (Bihar).
 4. Ram Raj Singh S/O Late Besar Singh R/O Village- Singhra, P.S- Konch, Distt.- Gaya (Bihar).
 5. Rajesh Singh S/O Sanatan Singh @ Karki R/O Mirzapur, P.S- Uphara, Distt.- Arwal (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Aman Vishal, Advocate
For the Opposite Party : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2025 Heard Mr. Aman Vishal, the learned counsel for the

petitioners and Ms. Rita Verma, the learned Additional Public

Prosecutor for the State.

2. After some arguments learned counsel for the

petitioner seeks permission to withdraw this application with

respect to petitioner no. 4, namely, Ram Raj Singh with a liberty

to the petitioner no. 4 to surrender within a period of four weeks

from today, and if the petitioner no. 4 surrenders within the

aforesaid period, the learned trial Court is directed to consider



the bail prayer of petitioner no. 4 on its own merit without being prejudiced to the present order and dispose it of the same day.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 4, namely, Ram Raj Singh is dismissed as withdrawn. Now, this application survives only for petitioner nos. 1, 2, 3 and 5.

5. The petitioners are apprehending their arrest in connection with Konch PS Case No. 607 of 2022, FIR dated 13.12.2022, registered for the offences punishable under Sections 147, 148, 149, 323, 307, 504 and 506 of the Indian Penal Code.

6. According to the prosecution case, the co-accused persons, variously armed, assaulted the informant and his sons.

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 from perusal of the FIR, it is evident that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties as well. He further submits that although petitioners are named in the FIR, but from bare perusal of the FIR, it appears that there is no specific allegation of any



assault or overt act attributed against them, rather there is general and omnibus allegation against all the petitioners.

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

9. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioners, rather the allegations are general and omnibus in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate First Class, Gaya, where the case is pending in connection with **Konch PS Case No. 607 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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