

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69165 of 2024

Arising Out of PS. Case No.-53 Year-2021 Thana- RANIYATALAB District- Patna

1. Kunti Devi W/O Kumesh Yadav Resident Of Village- Jitan Chhapra, P.S- Ranitalab, Distt.- Patna.
2. Kumesh Yadav S/O Late Guhari Yadav Resident Of Village- Jitan Chhapra, P.S- Ranitalab, Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Ajay Kumar Sinha, the learned counsel

for the petitioners and Mr. Manoj Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Ranitalab PS Case No. 53 of 2021, FIR dated

10.03.2021, registered for the offences punishable under

Sections 341, 323, 307, 379 and 504 read with Section 34 of the

Indian Penal Code.

3. According to the prosecution case, the co-accused

persons, variously armed, came at the house of the informant

and assaulted informant and his family members and took away

Rs. 1,500/- (Rupees fifteen hundred only) and also damaged



articles kept at their shop.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the present case is the counter blast of Ranitalab P.S. Case No. 52 of 2021 filed by the petitioners' side against the informant and his family members. He further submits that upon perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and both the parties are agnates and although there is specific allegation against the petitioners that they have assaulted the informant and his family members, but the injury report suggests that:

“(i) There is no evidence of any obvious fracture on bone window.

(ii) Brain parenchyma is normal in morphology and diversity.”

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and there is specific and direct allegation against the petitioners. Apart from that, petitioners carry one criminal antecedent other than the present one, however, he fairly submits that petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances



and mainly the facts that both the parties are agnates, due to admitted land dispute the present occurrence has taken place and injury report suggests that injury inflicted upon the injured persons is simple 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 1st Class, Danapur, where the case is pending in connection with **Ranitalab PS Case No. 53 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 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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