

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65249 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- CHANDI District- Bhojpur

1. Mukesh Kumar Rai @ Mukesh Kumar @ Ganga S/o Bharat Rai Resident of Village- Bhadwar, P.S- Chandi, Distt.- Bhojpur at Ara.
2. Chhatish Kumar @ Chhattish Rai S/o Chhabila Rai @ Kamlesh Rai Resident of Village- Bhadwar, P.S- Chandi, Distt.- Bhojpur at Ara.
3. Sunita Devi W/o Chhabila Rai @ Kamlesh Rai Resident of Village- Bhadwar, P.S- Chandi, Distt.- Bhojpur at Ara.
4. Rajendra Rai @ Rajendra S/o Late Rambilash Rai Resident of Village- Bhadwar, P.S- Chandi, Distt.- Bhojpur at Ara.
5. Ashoka Devi W/o Bharat Rai Resident of Village- Bhadwar, P.S- Chandi, Distt.- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2025 Heard Mr. Indu Bhushan, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chandi P.S. Case No. 72 of 2024, F.I.R. dated 19.06.2024 for the offences punishable under Sections 323, 341, 307, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners armed with lathi, danda and rod have brutally assaulted the informant and their family members due to land dispute between them.



4. 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 it appears from the F.I.R that due to admitted land dispute between the parties the present occurrence have taken place. He further submits that there is case and counter case between the parties. Although there is specific allegation against the petitioners that they have assaulted the informant and their family members but the injury report of the injured person suggests that the injuries are simple in nature caused by hard and blunt substance.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and the injury of the injured person is simple in nature, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No. 72 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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