

Arising Out of PS. Case No.-52 Year-2024 Thana- BANDHUWA KURAWA District- Banka

- Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : **Mr. Anita Kumari**

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 29-01-2025 1. Heard learned Senior counsel for the petitioners,
Mr. Yogesh Chandra Verma learned A.P.P. for the State and the
learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. Learned Senior counsel for the petitioners submits that petitioners and the informant are cousin brothers and are having dispute relating to property for which a title suit is pending adjudication between the parties in the Court of learned Sub-Judge, Banka with regard to land pertaining to *Mauza-Ashnaha* bearing plot no. 116(K) *Jamabandi* No. 90 area 71



decimal. It is further submitted that informant alleges that petitioners were trying to construct a boundary wall on the land of the informant which was objected, on account of which the occurrence is alleged to have taken place in which the petitioners are alleged to have assaulted the informant and his side.

4. The learned Senior counsel for the petitioners next submits that on account of dispute relating to property, the occurrence is alleged to have taken place. It is further submitted that petitioners are not criminals as they are persons with clean antecedent and allegation of assault is also not specific.

5. The learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners and submits that injury of one of the injured is opined to be grievous, but then fairly submits that allegation of assault is not specific. It is also submitted that from side of the informant three persons were injured including the informant.

6. The learned counsel appearing on behalf of the informant further submits that petitioners have not approached this Court with clean hands as at Para-3 it has been pleaded that petitioners are persons with clean antecedent when they have antecedent of one case, the said submission of the learned counsel appearing on behalf of the informant is rebutted by the learned Senior counsel for the petitioner and it is submitted that a



proceeding under Section 107 Cr.P.C. was initiated, which was subsequently dropped.

7. Considering the submissions made by the learned Senior counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bandhua Kurawa P.S. Case No. 52 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that any of the petitioners have antecedent of even one criminal case which is pending in that event, the present anticipatory bail order shall not be given effect to with respect to such petitioners against whom criminal antecedent is found.

(Satyavrat Verma, J)

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