

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69392 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- MANJHAGARH District- Gopalganj

Rajesh Singh @ Rajesh Kumar Singh S/o- Ramrekha Singh Vill- Bargachhiya
Ps- Manjhagarh Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70193 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- MANJHAGARH District- Gopalganj

Ashutosh Kumar Singh @ Ashutosh Singh Son of Rajesh Singh R/O Vill.-
Bargachhiya, P.S.- Manjhagarh, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69392 of 2024)

For the Petitioner/s : Mr. Kunal Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 70193 of 2024)

For the Petitioner/s : Mr. Kunal Tiwary, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Kunal Tiwary , learned counsel for

the petitioners and Mr. Md. Shakir Ahmad, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Manjhagarh P.S. Case No.131 of 2024

F.I.R. dated 12.05.2024 for the offences punishable under



Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the I.P.C.

3. According to prosecution case, it is a matter of land dispute and both the parties are agnates. It is alleged that on 24.04.2024 petitioners with other co-accused persons started doing some construction work on the land of the informant, and when the informant stopped them doing so, then all the accused persons including these petitioner started assaulting the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedents and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 24.04.2024 but the present FIR was instituted on 12.05.2024 after delay of 18 days without giving any explanation of delay. It appears from the FIR itself that due to admitted land dispute the present occurrence had taken place and both the parties are agnates. Although, petitioners are named in the FIR, but from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt-act attributed



against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

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

6. Considering the aforesaid facts, petitioners having clean antecedents and there is admitted land dispute 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No.131 of 2024 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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 bonds shall be cancelled by the Court below.

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 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 bonds 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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