

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75979 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Santosh Kumar Son of Siddeshwar Prasad Resident of Village - Dulli Bigha, P.S. - Neemchak Bathani, District - Gaya
2. Siddeshwar Prasad Son of Late Degu yadav Resident of Village - Dulli Bigha, P.S. - Neemchak Bathani, District - Gaya
3. Anita Devi Wife of Santosh Kumar Resident of Village - Dulli Bigha, P.S. - Neemchak Bathani, District - Gaya
4. Neelam Devi Wife of Manishankar Kumar Resident of Village - Dulli Bigha, P.S. - Neemchak Bathani, District - Gaya
5. Chandan Kumar Son of Manishankar Kumar Resident of Village - Dulli Bigha, P.S. - Neemchak Bathani, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jogendra Prasad, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2025 Heard Mr. Jogendra Prasad, learned counsel for the

petitioners as well as Mr. Anil Kumar Singh No. 1, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 117 of 2024, F.I.R. dated 06.06.2024 for the offences punishable under Sections 341, 323, 307, 354(A), 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case due to some land

dispute the petitioners and other co-accused persons started to abuse the informant and on protest, petitioners and other co-accused started to assault the informant and other family members with various weapons.

4. Learned counsel for the petitioners submits that petitioner nos. 3, 4 and 5 are having clean antecedent, but petitioner nos. 1 and 2 have one criminal antecedent other than the present case and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. It appears from the FIR itself that there is land dispute between both the parties due to which the petitioners have been made accused in the present case. All the petitioners are named in the FIR, but it appears from the FIR itself that the specific allegation is attributed against the co-accused person, namely, Manishankar and there is no specific allegation of assault against the petitioners rather there is general and omnibus allegation against these petitioners.

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

6. Considering the aforesaid facts that petitioner nos. 3, 4 and 5 are having clean antecedent and there is no specific

allegation against these petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 117 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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.)

Jyoti Kumari/-

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