

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87372 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- BEUR District- Patna

1. Brajesh Kumar @ Lalan Kumar @ Lalan Singh Son of Late Siya Ram Sharma Resident of Village-Beur, P.S.- Beur, Distt.- Patna
2. Anjay Kumar @ Ajay Kumar Son of Late Siya Ram Sharma Resident of Village-Beur, P.S.- Beur, Distt.- Patna
3. Rita Devi wife of Brajesh Kumar @ Lalan Kumar @ Lalan Singh Resident of Village-Beur, P.S.- Beur, Distt.- Patna
4. Preety Kumari @ Prity Kumari D/o- Brajesh Kumar @ Lalan Kumar @ Lalan Singh Resident of Village-Beur, P.S.- Beur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Sabal Kuamr Jha, learned Beur P.S. Case No. 218 of 2024 counsel for the petitioners and Mr. Raj Ballabh Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Beur P.S. Case No. 218 of 2024, F.I.R. dated 03.05.2024 for the offences punishable under Sections 341, 323, 325, 327, 329, 307, 379, 504, 506 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. According to prosecution case, the petitioner assaulted the informant due to some land dispute.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. It appears from the F.I.R. itself that due to land that there is admitted land dispute the present occurrence has been taken place. Although, the petitioners are named in the F.I.R. but from the perusal of the F.I.R., it appears that there is specific allegation against the co-accused, namely, Prince Raj and there is also allegation against the petitioner nos. 1 and 2 in the F.I.R. which suggests that Petitioner nos. 1 and 2 were the order giver. Although, the informant has received the injury but the injury report of the informant suggests that swelling on the head of the informant 2''/2'' round due to Extra Cranial Hematoma which is caused by hard and blunt object which also suggests that the injury is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R. and apart from that petitioner no. 1 carries two cases, petitioner no. 2 carries two cases other than the present one and petitioner nos. 3 and 4 have been exonerated from all the cases mentioned in para 3 of the bail petition that the petitioners are on bail in the pending matter.



6. Considering the aforesaid facts that the due admitted land dispute the present occurrence has been taken place and the injury inflicted upon the informant 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Beur P.S. Case No. 218 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 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 bond 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 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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