

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24056 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Kailash Rai @ Kailash Prasad Yadav S/o Hajari Rai R/o Village- Parai, P.S.- Sikarganj, District- East Champaran.
2. Santosh Prasad Yadav @ Santosh Kumar S/o Ramlkhan Rai R/o Village- Parai, P.S.- Sikarganj, District- East Champaran.
3. Praveen Kumar @ Rartin Kumar S/o Kailash Rai R/o Village- Parai, P.S.- Sikarganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Binod Kumar-3,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioners as well as learned A.P.P. for the State through video conferencing.

The petitioners seek bail in Chiraiya (Sikarganj) P.S. Case No. 44 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted that as per FIR, petitioner no. 2 is alleged to have assaulted Lalbabu Rai by rod, whereas allegation against petitioner no. 3 is that he assaulted Rajendra Yadav by *lathi* and so far as petitioner no. 1 is concerned, there is no specific allegation of overt act. It is further submitted that



there is case and counter case and admittedly, there is land dispute between the parties. It is further submitted that most of the injuries caused to informant side have been found to be simple in nature. It is further submitted that proceeding in respect of Sections 144 and 145 of the Cr.P.C. is already going on, on the piece of land, on which, prosecution side has tried to capture the land, and as a result of which, some *Maarpit* took place between the parties. It is further submitted that as per paragraph – 3 of the petition, though petitioners have some criminal antecedent, but in those cases, they are on bail. Chargesheet in this case has already been submitted and petitioners are in custody since 15-02-2020.

Considering the aforesaid facts and circumstances, the bail application of petitioners is allowed. Let the above-named petitioners 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 learned A.C.J.M., Sikarahna at Dhaka (East Champaran) in connection with Chiraiya (Sikarganj) P.S. Case No. 44 of 2020 on the following conditions:

“(1) Petitioners shall cooperate 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.

(2) 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.”.

(Prabhat Kumar Singh, J.)

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