

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34892 of 2020**

Arising Out of PS. Case No.-8 Year-2020 Thana- SIKTA District- West Champaran

1. Suraj Kumar @ Rakesh Prasad Rauniyar @ Suraj Kumar, S/O Sheshnath Prasad, Resident of Sikta Bazar, P.S. Sikta, P.O. Sikta, District - West Champaran, Bihar
2. Rakesh Kumar @ Sambhu Prasad Rauniyar @ Badal Kumar, S/O Sheshnath Prasad, Resident of Sikta Bazar, P.S. Sikta, P.O. Sikta, District - West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Preety Kunwar, Advocate.  
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

2      06-04-2021                      As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sikta P.S. Case No. 08 of 2020, registered under Sections 341, 323, 353, 188, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the light of Encroachment Case Nos. 12/ 16-17 and 19/19-20, the encroachment was being



removed in Sikta Bazar. When the informant and police personnel reached at Indra Chouck near Ply and Hardware shop of Rakesh Prasad Rauniyar (petitioner no.2) and asked to cooperate in removing the encroachment then Rakesh Prasad Rauniyar (petitioner no.1) and Sambhu Prasad Rauniyar @ Badal Kumar (petitioner no.2) started to create nuisance saying that they will not remove the encroachment and also started to giving threatening to lodge the case. Thereafter, when the encroachment was being removed then both petitioners started to scuffle with the police party, in which, informant sustained injury in his right thumb. In the meantime, people present there pacified the matter and on taking advantage, both petitioners succeeded to flee away.

Learned counsel for the petitioners submits that while both petitioners are named in the FIR but no specific overt act has been attributed against them. In fact, informant along with other police personnel created nuisance in the shop of the petitioners then hot talk was exchanged but only to give undue pressure, informant lodged the present case with false allegation. Further submission is that both petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 S.D.J.M., Bettiah, West Champaran, in connection with Sikta P.S. Case No. 08 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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