

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8166 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- HARSIDHI District- East Champaran

1. Kunti Devi, wife of Kuis Bin
2. Sonalal Bin, son of Kuis Bin
Both resident of Village - Chadrahiya Bin Toli, P.S. - Harsidhi, District – East Champaran.
3. Lalji Bin, son of Late Madan Bin, resident of Village - Bhaja Tola, P.S. - Paharpur, District – East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Ms. Rashmi Jha, Advocate
For the Opposite Party	:	Mr. Binay Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Harsidhi P.S. Case No. 107 of 2020 registered for the offences punishable under Sections 447, 448, 147, 148, 149, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and $\frac{3}{4}$ of the Prevention of Witch Practices Act (in short the 'Dian Act'). They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 30.03.2020 at about 12:00 A.M., while he and his wife



were sitting at the door of his house, in the meantime, his villagers namely, Kunti Devi and Kuis Bin abused her wife by calling Dian and all the accused persons including the petitioners assaulted his family members and snatched silver chain from the neck of the informant's wife.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case due to previous land dispute, both the parties are close agnates. Learned counsel submits that there is counter case lodged by petitioner no. 1 namely, Kunti Devi.

Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case wherein both the parties are said to be close agnates, there is land dispute between the parties and as per the first information report altogether 10 named accused persons had indulged in the alleged occurrence of assault, there is a counter case lodged by petitioner no. 1 against the present prosecution party giving a different version of the occurrence and as it appears from the impugned order the alleged injuries said to have been caused to the prosecution party are simple injuries,



this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 107 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

