

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58982 of 2021

Arising Out of PS. Case No.-142 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. VIKASH KUMAR SINGH @ VIKASH SINGH Son of Shyam Narayan Singh Resident of Village- Pandya Tola Sarya Baduraha, P.S.- Dumariyaghat, District- East Champaran.
 2. Pappu Singh Son of Shyam Narayan Singh Resident of Village- Pandya Tola Sarya Baduraha, P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 447, 341, 323, 324, 307, 379, 385, 504, 506, 34 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons entered into the house of the informant and have indiscriminately assaulted the informant's



side and took away valuable ornaments for non-fulfillment of demand of ransom.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to previous enmity. No such occurrence, in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and both sides have sustained injuries. The injury sustained by the informant is simple in nature and the injury sustained by the petitioner no.1 is grievous in nature (Annexure-2/1). Both parties are agnates and there is admitted land dispute between the parties. Petitioner no.1 has four criminal antecedents while petitioner no.2 has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering that there is case and counter-case between the parties and both sides have sustained injuries, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dumariyaghat P.S. Case No.142 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, with the following condition(s):-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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