

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8989 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- SUGAULI District- East Champaran

1. KANHAIYA SAH S/O HARI SAH R/v- Sripur Tola Rampur, P.S.- Sugauli, District- East Champaran
2. RAGHAW SAH @ RAGHAV PRASAD S/O LATE HIRA SAH R/v- Sripur Tola Rampur, P.S.- Sugauli, District- East Champaran
3. MADAN SAH @ MADAN PRASAD S/O LATE HIRA SAH R/v- Sripur Tola Rampur, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Sugauli P.S. Case No. 482 of 2022 under sections 323, 307, 332, 353, 504, 188 and 34 of the Indian Penal Code lodged on 10.11.2022 by the informant Anuj Kumar Singh.

The prosecution story, in brief, is that on 10.11.2022, all the accused persons were doing agricultural work in land, on which proceeding under Section 144 was existing between the parties. When the informant along with police party reached there and tried to stop them, accused persons assaulted the police party. Accused Anil Kumar assaulted the informant with



fist and all other accused persons gave spade blow on police party, due to which they sustained injuries.

Learned counsel for the petitioners submit that police has exaggerated the prosecution story. No such occurrence had taken place. The petitioners will always follow the rule of law and will abide by all the terms and conditions, if granted relief.

Learned counsel further submits that the injuries are simple in nature and without accepting the allegation and irrespective of the outcome of the present case, the petitioners intend to:

(i) give medical assistance of Rs. 10,000/- each to the injured Anuj Kumar Singh (informant), Jitendra Thakur and Ramchandra Ray;

(ii) further, they would Rs. 5000/- each to the Chief Minister's Relief Fund, Bihar, Patna.

Learned APP opposes the prayer for bail stating that they tried to take the law in their hands.

It is unfortunate that the accused-petitioners tried to attack the policemen who were merely performing their duties.

However, considering the fact that all the injuries are simple in nature and as per para-3 of the petition, they do not have criminal antecedents, this Court is inclined to extend them



the privilege of anticipatory bail subject to the fulfilment of undertaking given by the petitioners with conditions inasmuch as:

(i) Rs. 10,000/- each shall be deposited before the concerned Court to be released in favour of the named policemen in this order only after checking their credentials;

(ii) certificate showing deposits of Rs. 5,000/- each to the Chief Minister's Relief Fund to be submitted before the concerned Court.

Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Sugauli P.S. Case No. 482 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/-Kiran

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