

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9427 of 2023

Arising Out of PS. Case No.-163 Year-2019 Thana- LAUKAHA District- Madhubani

1. SURENDRA KHARGA @ SURENDRA YADAV Son of Late Dhanik Lal Kharga Resident of village - Udhawa (Bara), Dahtol, Police Station - Laukaha, District - Madhubani.
2. Manish Kharga @ Manish Kumar Yadav Son of Rashindra Kharga @ Rashindra Yadav @ Rajendra Prasad Resident of village - Udhawa (Bara), Dahtol, Police Station - Laukaha, District - Madhubani.
3. Ramdeo Thakur Son of Kula Thakur Resident of village - Udhawa (Bara), Dahtol, Police Station - Laukaha, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2023 At the outset, learned counsel for the petitioners submits that petitioner no. 2 namely, Manish Kharga @ Manish Kumar Yadav has already been arrested, hence, this application on his behalf has become infructuous.

This application has been heard on behalf of petitioner nos. 1 and 3.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Laukaha P.S. Case No. 163/2019 registered for the offences punishable under Sections 341, 323,



324, 379, 504, 506/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that when he was returning from Phulparas Court and reached Uruwa, all the accused persons including these petitioners surrounded him with various arms and assaulted his brother by means of Tengari by which he got injury. It is further alleged that accused Ramdeo Thakur has assaulted him with iron rod on his right finger and other accused Satish Kharga assaulted him with iron rod on his right arm and Mukesh Kharga snatched Rs. 10,000/- and golden chain from Prakash Kumar.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is case and counter case between the parties and there is a land dispute between them.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, upon noticing that there is case and counter case between the parties, it is a case of land dispute in which both parties have assaulted each other, the injuries suffered by the informant's side are simple in nature, these petitioners have no criminal



antecedent, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioner nos. 1 and 3 namely, Surendra Kharga @ Surendra Yadav and Ramdeo Thakur 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 Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 163 of 2019, 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 petitioner nos. 1 and 3 and in case at any stage it is found that the petitioner nos. 1 and 3 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 and 3. 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.

(Rajeev Ranjan Prasad, J)

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