

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20677 of 2023**

Arising Out of PS. Case No.-121 Year-2022 Thana- CHAKIA District- East Champaran

Dharmendra Kumar son of Triveni Thakur Village- Shekhi Chakia Ps- Chakia  
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Rajesh Ranjan, Advocate       |
| For the Opposite Party/s | : | Mr. Jitendra Kumar Singh, APP     |
| For the Informant        | : | Mr. Ujjawal Kumar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-05-2023                      Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 17.07.2022 in connection with Chakia P.S. Case No. 121 of 2022, F.I.R. dated 25.03.2022 for the offences punishable under Sections 448, 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioner armed with weapons have assaulted the



informant and his wife and also looted Rs. 2 lakh cash and household items from the house of the informant. It is further alleged that they also assaulted the mother and uncle of the informant due to which they sustained serious injuries.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is the counter blast of Chakia P.S. Case No. 119 of 2022 filed by the Lal Kumari @ Lali Devi wife of Tirvani Sharma who is the accused in the present F.I.R. He further submits that from perusal of the F.I.R., it transpire that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of assault or overt act against the petitioner and due to the admitted land dispute, the present occurrence has taken place. He further submits that the postmortem report of the deceased also does not supports the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.07.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, East Champaran, Motihari in connection with Chakia P.S. Case No. 121 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. 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.

**(Rajesh Kumar Verma, J)**

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