

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24527 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. Mishrilal Sah Son Of Badri Lal Sah @ Jhari Lal Sah Resident Of Village - Jhakhra, P.S. - Pipra Kothi, Distt. - East Champaran
2. Khushi Lal Sah @ Prem Lal Sah Son Of Mishri Lal Sah Resident Of Village - Jhakhra, P.S. - Pipra Kothi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Bimal Kishor Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-10-2023 Heard Mr. Abhishek Kumar, learned counsel for the petitioners, Mr. Bimal Kishor Singh, learned counsel appearing on behalf of the informant/complainant as well as Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 2, namely, Khushi Lal Sah @ Prem Lal Sah.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 2, namely, Khushi Lal Sah @ Prem Lal Sah.

5. The petitioner no. 1, namely, Mishrilal Sah is



apprehending his arrest in connection with Pipra Kothi P.S. Case No. 334 of 2022, F.I.R. dated 16.12.2022 for the offences punishable under Sections 379, 307, 302, 120B/34 of the Indian Penal Code.

6. According to prosecution case, due to land dispute the petitioner along with other accused persons used to assault the husband of the complainant and committed murder of him.

7. Learned counsel for the petitioner no.1 submits that petitioner no.1 has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R./complaint petition that the date of occurrence as alleged in the F.I.R./complaint petition is 20.09.2020 but the present complaint petition/F.I.R file on 03.11.2020 i.e. after delay of more than 45 days without giving any explanation of the said delay. He further submits that from perusal of the F.I.R./complaint petition, it appears that there is general and omnibus allegation against the petitioner no. 1 and there is no specific allegation of any assault or overt act attributed against the petitioner no. 1 and it appears that due to land dispute the present complaint petition has been filed by the complainant. He further submits that it has come during investigation in paragraph nos. 21, 22 and 23 of the case diary that the husband



of the complainant/informant had died in a motor accident.

8. The learned counsel appearing on behalf of the informant/complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner no. 1 and submits that it has come during investigation that the petitioner no. 1 was also involved in the present crime in question and he used to threatened the family members of the informant/complainant.

9. Considering the aforesaid facts and circumstances, let the **petitioner no. 1, Mishrilal Sah**, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 334 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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)

Vanisha/-

U		T	
---	--	---	--

