

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57814 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- PAHARPUR District- East Champaran

1. Dadan Yadav S/O- Late Vijayee Yadav R/O- Village- Majhariya, P.S.- Malahi, Dist.- East Champaran
2. Kalawati Devi W/O- Dadan Yadav R/O- Village- Majhariya, P.S.- Malahi, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner and Mr. Anuj Kumar Shrivastava, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Paharpur (Malahi) P.S. Case No. 65 of 2023, F.I.R. dated 18.02.2023 registered for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 506, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came there with lathi and farsha and started assaulting to one Ram Sunder Yadav due to which he sustained injured.



4. Learned counsel for the petitioners submits that the petitioner no.1, namely Dadan Yadav having two more criminal antecedents whereas petitioner no. 2, namely Kalawati Devi having one criminal antecedent which was filed by the informant's family. He further submits that from perusal of the F.I.R. it appears that there is specific allegation against co-accused person namely Sanjay Kumar Yadav who has assaulted to the informant by means of farsha on his head and he received injury. He further submits that thereafter in the F.I.R. there is allegation against the petitioners and other co-accused person that they have assaulted to one Ram Sunder Yadav but there is no injury of Ram Sunder Yadav to suggest that he has received any injury and with respect to petitioner no. 2, there is general and omnibus allegation against her. He further submits that due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties and both the parties have sustained injury and co-accused Sanjay Kumar against whom there is direct allegation of assault has been granted the privilege of anticipatory bail by a Coordinate Bench of this court vide order dated 13.09.2023 passed in Cr. Misc. No. 58773 of 2023.

5. Learned APP for the State, on the other hand, has



opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur (Malahi) P.S. Case No. 65 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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