

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59303 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- SATHI District- West Champaran

1. Pradeshi Kushwaha @ Rajeshwar Kushwaha Son Of Sri Hiranman Kushwaha
2. Sudish Kushwaha Son Of Sri Jai Kumar Kuhswaha
3. Anod Kushwaha Son Of Sri Rajdeo Kushwaha
All Resident Of Village - Gopalpur, P.S. - Sathi, District - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr.Sagar Kumar, learned counsel for the
petitioners and Mr.Nawal Kishore Prasad, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sathi P.S. Case No.67 of 2023, FIR dated
01.04.2023 instituted under Sections 143, 341, 323, 324, 427,
354-B, 379, 504 of the IPC.

3. As per the prosecution story, petitioner No. 2 was
picking corn of the informant then the informant's son objected
thereafter the petitioner No.2 beats him. When the informant
went to complain, the petitioners and the co-accused persons
were also abused and assaulted her also and disrobed her.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case due to petty dispute. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 27.03.2023 but the present FIR has been instituted on 01.04.2023 after delay of four days without giving any explanation of delay. Further submits that as per allegation in the FIR, petitioner No.2 has assaulted to the son of the informant and petitioner No.1 has tried to strangle the informant and petitioner Nos.2 and 3 have also assaulted her with lathi and sticks. Learned counsel for the petitioners submits that although the informant and her son have received the injury but the injury received by the son of the informant and the informant are simple in nature caused by hard and substance and all injury are simple in nature and the injury Nos. 1 to 9 are caused by hard and blunt substance and injury No.10 is caused by sharp cutting object.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, 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 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, West Champaran at Bettiah in connection with Sathi P.S. Case No.67 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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.

(II) If the petitioners tamper 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 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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