

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65202 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- CHHAURADANO District- East
Champaran

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1. SHAKUNTALA DEVI WIFE OF NIWAS SAHANI RESIDENT OF VILLAGE BHAGARI TOLA, PS- CHHAURADANO, DIST- EAST CHAMPARAN
 2. SHILA DEVI WIFE OF ASHA SAHANI RESIDENT OF VILLAGE BHAGARI TOLA, PS- CHHAURADANO, DIST- 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. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Abhishek Kumar, learned counsel for the petitioners and Mr. Anand Kishore Choudhary, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Chhauradano P.S. Case No. 205 of 2023, F.I.R. dated 27.06.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 308, 354(B), 379, 504 of the Indian Penal Code and later on Section 307 of the Indian Penal Code was added. .

3. Allegation against the petitioners is that they have assaulted the informant and his family members due to which they sustained injured.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that due to admitted land dispute the present occurrence had taken place and the present case is counter blast of Chhauradano P.S. Case No. 201 of 2023 lodge by one Krishna Sahani against the informant's son and others.. He further submits that as per F.I.R. the allegation against the petitioners that they have assaulted informant and his family members, namely Birogiya Devi who is informant of the present case and Nagendra Sahani and Puran Sahani who are son of the informant but the injur report of the informant as well as family members of the informant is annexed as Annexure-3 series which suggests that although they have received injuries but all the injuries are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that there is specific allegation against the petitioners that they assaulted the informant and his family members.

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 Judicial Magistrate 1st Class, Raxaul, East Champaran at Motihari in connection with Chhauradano P.S. Case No. 205 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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