

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67720 of 2023

Arising Out of PS. Case No.-302 Year-2021 Thana- MEHSI District- East Champaran

1. Jitendra Rai S/O Amin Rai R/O Pataura, P.S- Motihari Mufassil, Distt.- East Champaran.
2. Afroz Alam S/O Jitendra Rai R/O Pataura, P.S- Motihari Mufassil, Distt.- East Champaran.
3. Gulshana Khatun D/O Jitendra Rai R/O Pataura, P.S- Motihari Mufassil, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

Ms. Perna Rishi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mehshi P.S. Case No. 302 of 2021 registered for the offences punishable under Sections 341, 323, 354, 379, 308, 504, 506 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on account of an old land dispute over which litigation was going on between the parties, it is alleged that these petitioners along with family members were constructing house and when the informant and

her daughters went to oppose, then all the accused persons abused and assaulted them by means of *lathi*, stick, *farsa* and iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a case and counter case between the parties. The parties are engaged in Title Suit No. 86 of 2018. It is further submitted that some of the co-accused have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 22011 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein there is a case and counter case between the parties and the parties are also engaged in Title Suit bearing No. 86 of 2018 and some of the co-accused have been granted privilege of anticipatory bail in Cr. Misc. No. 22011 of 2023, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Mehsi P.S. Case No. 302 of 2021 on furnishing bail bond of Rs.

25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Sudha Kumari, learned Judicial Magistrate, First Class, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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