

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75800 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- NAUTAN District- West Champaran

1. Harendra Sah S/O Late Jivlal Sah Village- Churaman Patti, Ps. Nautan, Dist. West Champaran
2. Vikash Sah S/O Vijay Sah Village- Churaman Patti, Ps. Nautan, Dist. West Champaran
3. Dhuri Sah @ Kabilash Sah S/O Late Jivlal Sah Village- Churaman Patti, Ps. Nautan, Dist. West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Anant Kumar Mishra, learned counsel for the petitioners as well as Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 295 of 2023, F.I.R. dated 15.07.2023 for the offences punishable under Sections 147, 149, 341, 323, 307, 379, 354(B)/504 of the Indian Penal Code.

3. According to prosecution case, due to some land disputes all the accused persons including the petitioners have assaulted the informant and the co-accused, Subash Sah assaulted her with farsha on her head.

4. Learned counsel for the petitioners submits that petitioner no. 1 and 2 carries one criminal antecedent and



petitioner no. 3 has clean antecedent and they have falsely been implicated in the present case and due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that there is specific allegation of assault against the co-accused, namely, Subash Sah.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners, and there is specific allegation of assault against the co-accused and there is case and counter case between the parties, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah,



West Champaran in connection with Nautan P.S. Case No. 295 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 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.

(Rajesh Kumar Verma, J)

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