

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72911 of 2022

Arising Out of PS. Case No.-681 Year-2017 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Ashok Kumar Yadav @ Ashok Rai Son of Yadolal Rai @ Yado Lal Prasad Yadav Resident of Village- Bankat, P.S.- Motihari Muffasil, District- East Champaran
 2. Vinay Rai @ Vinay Kumar Yadav Son of Nandu Rai Resident of Village - Bankat, P.S.- Motihari Muffasil, District- East Champaran
 3. Sukhal Rai Son of Mangal Rai Resident of Village - Bankat, P.S.- Motihari Muffasil, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and Mr. Bharat Bhushan, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Motihari Muffasil P.S. Case No. 681 of 2017 registered for the offences under Sections 341, 342, 323, 324, 307, 354(B), 385, 379, 504, 506 of the Indian Penal Code. The petitioners have no criminal antecedent.

As per the prosecution story, the informant Hira Ram filed a written petition before the S.H.O, Motihari Muffasil stating therein that on 26.12.2017 at about 01:30 A.M. all the FIR named accused and 3-4 unknown persons came and started encroaching his land, they demanded Rs. 2,00,000/- from the petitioner as Rangdari and on



objection, all the accused persons started abusing and assaulting him with lathi and danda. They outraged the modesty of the sister of the informant who came to save him. Petitioner No. 1 gave spade blow on the head of the informant which caused cut injury and bleeding and he also assaulted the sister of the informant and snatched her mangalsutra.

Learned counsel for the petitioners submits that the chargesheet submitted by the police is under bailable sections, the injury sustained by the sister of the informant is simple in nature and they have no criminal antecedent. It is also submitted that there is land dispute between the parties.

This Court has been informed by learned counsel for the petitioners that even as cognizance has been taken but thereafter, the records are pending for appearance and no process under Section 82 or 83 Cr.P.C has been exhausted.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the submissions of learned counsel for the petitioners that in this case after investigation, police submitted a charge sheet under bailable sections but the learned Magistrate differed with the police report and took cognizance under Section 307 of the Indian Penal Code, the petitioners and the informants are agnates, there is a land dispute between the parties and the only injury found on the body of Bhagmati is said to be simple in nature,



this Court grants bail to the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Motihari Muffasil P.S. Case No. 681 of 2017 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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