

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.871 of 2023**

Arising Out of PS. Case No.-248 Year-2021 Thana- JOGAPATTI District- West Champaran

Adhar Raut Son of Sukhari Raut Resident of Village - Nawalpur, P.S.-  
Yogapatti (Nawalpur O.P.), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-04-2023      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 08.10.2022, in connection with Yogapatti (Nawalpur) P.S. Case No. 248 of 2021, F.I.R. dated 08.06.2021 registered for the offences punishable under Sections 188, 147, 149, 341, 342, 353, 323, 427, 269, 270, 271 of the Indian Penal Code read with Section 3 Epidemic Act, 1987.

As per the prosecution case, there was land dispute between Ramshankar Chaudhary and Umesh Chaudhary. In altercation Umesh Chaudhary died and Nawalpur P.S. Case No. 247 of 2021 was registered during course of investigation. The accused persons created chaos, they ransacked the house of the accused persons of that case and they also created hindrance in



cremation of dead body. They were not following the guidelines of lockdown and were raising slogans and thereby they prevented the police personnel from discharging their duties.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that in fact the petitioner was not present at the time of occurrence as alleged in the F.I.R. and the allegation as alleged in the F.I.R. is false and fabricated and on the basis of the information given by local chowkidar, the name of the petitioner has been falsely implicated in the present case. He further submits that similarly situated co-accused persons namely Mahajan Chaudhary and Others have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.09.2022 passed in Cr. Misc. No. 58122 of 2021, another co-accused person namely Rajendra Patel has been granted bail by a Coordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 14854 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 248 of 2021, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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