

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5936 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Vikesh Kumar, Son of Chandrika Prasad, Resident Of Village- Birchapara Tola, Balharwa, Ps- Piprakothi, Distt- East Champaran
2. Nitesh Kumar, Son of Chandrika Prasad, Resident Of Village- Birchapara Tola, Balharwa, Ps- Piprakothi, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Pankaj, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-04-2024 Heard learned counsel for the petitioners and learned APP for the State as well as the learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Piprakothi P.S. Case No. 223 of 2023, registered on 25.09.2023 for the offences under Sections 341, 323, 324, 385, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute, the informant and his associates were assaulted by the petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. The FIR has been registered after delay of two days and there is no explanation for the same. Land dispute is apparent from the record and informant has tried to give the civil dispute a criminal colour. The allegation against the petitioners is that petitioner no.1 tried to open fire and petitioner no.2 gave a *farsa* blow on the head of one Raju Kumar Bhagat. But these allegations are superficial and ornamental as no evidence of firing was found and there is no injury report of Raju Kumar Bhagat and the papers of treatment annexed with FIR does not mention any injury. Learned counsel further submits that the informant is himself a land *mafia* and informant and his aides brutally assaulted the petitioners and their family members and even tried to abduct petitioner no.2 for which the father of the petitioners filed Piprakothi P.S. Case No. 225 of 2023 under Section 308 and other allied sections of IPC. Even a cheque amounting to Rs. 1,00,000/- issued by the informant in the name of petitioner no.1 was dishonored due to insufficient fund and still the informant wants to grab the land of the petitioners by making a false and fabricated story and suppressing the real facts. It is also apparent from the FIR that it was the informant who entered into the house of the petitioners in an unauthorized manner. Co-accused persons have been granted anticipatory bail



by this Court vide order dated 20.02.2024 passed in Cr. Misc. No. 6450 of 2024. The petitioners are having criminal antecedent of one case which was lodged by the associates of the informant Raju Kumar Bhagat.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is specific allegation against the petitioners for opening fire upon the informant and his associate who received injury on his head.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury report and further considering the background of land dispute coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran/concerned court in connection with Piprakothi P.S. Case No. 223 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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