

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6450 of 2024

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

1. Umesh Prasad Son of Motilal Prasad Resident of Village-Baltharwa, P.S.- Piprakothi, Distt.-East Champaran
2. Madan Prasad Yadav Son of Motilal Prasad Resident of Village-Baltharwa, P.S.-Piprakothi, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Pipra Kothi P.S. Case No. 223 of 2023, registered on 25.09.2023 for the offences under Sections 341, 323, 324, 385, 379, 308, 504 and 506/34 of the Indian Penal Code.

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

4. The learned counsel for the petitioners submits



that the petitioners are innocent and have been falsely implicated in this case. Apparently, it is a case of civil dispute. The petitioners have no role in the whole transaction related to land. It is further submitted that general, vague and omnibus allegations have been levelled against the petitioners. There is no injury report of the informant, though allegation is that he was also assaulted. The injury of the associate of the informant is not corroborative of the allegation made in the FIR, since no injury was found on the neck of his associate and only one incised wound has been found on the head of the associate of the informant, but the author of that injury is co-accused Nitesh Kumar. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. He further submits the petitioners appeared to be part of a group, which wanted to extort money from informant in connection with sale and purchase of land.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering general, vague and omnibus nature of allegations against the petitioner and absence of any injury attributed to the petitioners, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran/concerned court in connection with Pipra Kothi P.S. Case No. 223 of 2023, subject to the condition 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)

Amrendra/-

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