

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9502 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Om Prakash Singh S/O Lal Bahadur Singh
 2. Deepak Kumar Singh @ Ranjeet Kumar@Deepak Singh S/O Basudeo Singh
Both are R/O Village- Barharwa Khurd, P.S- Dumariyaghat, 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.Jharkhandi Upadhyay,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr.Abhishek Kumar, learned counsel for
petitioners, learned counsel for the informant and Mr.Jharkhandi
Upadhyay, learned Additional Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Dumariyaghat P.S.Case No. 240 of 2023, FIR
dated 24.08.2023, registered for the offences punishable under
Sections 341, 323, 324, 307, 379,447,448,504,506,34 of IPC.

3. Prosecution case in brief is that on on 24.08.2021,
at about 21 30 PM. the informant, Nagina Singh, son of Late
Bhikhari Singh, resident of village Barharwa Khurd PS-
Dumariyaghat, District East Champaran, submitted written
report before the Officer-in-charge of Dumariyaghat PS alleging



therein that on 23.08 2023 at about 10 P.M. all accused persons including the petitioners came at the door of the informant and Sachin Prakash Singh, Deepak Singh, Ajit Kumar Singh and Deepak Singh Ranjit Kumar assaulted informant's son namely Chunnu Singh by means of farsa and lathi. Thereafter Prince Kumar, Dhuraj Kumar Singh, Rahul Kumar Singh, Sitiesh Kumar Singh and Omprakash Singh assaulted Informant's son by means of lathi, Vikash Singh, Chandeshwar Singh, Mani Kumar Singh, Maheshwar Singh, Parmeshwar Singh, Rupesh Kumar Singh and Pramod Kumar Singh entered into the house of the informant and took away utensils, ornaments and cash etc. Unknown persons were giving threatening to accused persons. It is further stated that occurrence has taken place at the instance of Armendra Singh.

4. Learned counsel for the petitioners submits that petitioner No.1 has clean antecedent and petitioner No.2 carries one more case other than the present one and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and due to



admitted land dispute the present occurrence had taken place and from a bare perusal of the impugned order it appears that there is specific allegation of assault attributed against the petitioners and the co-accused persons, namely, Bikash Singh, Chandeshwar Singh, Maheshwar Singh, Parmeshwar Singh and Pramod Kumar Singh have been granted privilege of anticipatory bail by the learned court below itself vide order dated 16.12.2023 passed in ABP No.5224 of 2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of petitioners and submits that petitioner No.2 carries one more case other than the present one but fairly submits that he is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 240 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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)

Nitesh/-

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