

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9928 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- PAHARPUR District- East Champaran

1. Rupesh Kumar Pandey son of Surendra Pandey Village- Noniya Pandey Tola Ps- Paharpur Dist- East Champaran
2. Sibu Kumar Pandey son of Surendra Pandey Village- Noniya Pandey Tola Ps- Paharpur Dist- East Champaran
3. Bipin Pandey son of Gauri Shankar Pandey Village- Noniya Pandey Tola Ps- Paharpur Dist- East Champaran
4. Rajan Pandey son of Vkail Pandey @ Vinod Pandey Village- Noniya Pandey Tola Ps- Paharpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishikesh Ojha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Rishikesh Ojha, learned counsel for the

petitioners and Dr. Indihar Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paharpur P.S. Case No. 10 of 2023, F.I.R. dated 08.01.2023 for the offences punishable under Sections 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with others are said to have assaulted the informant and his brother.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare



perusal of the FIR it appears that due to admitted land dispute the present occurrence took place between the parties. He further submits that there is case and counter case between the parties. He further submits that both the parties are agnates and it appears from the FIR that there is specific allegation against the petitioner no.1 that he assaulted by means of *farsa* to one Ritesh Pandey and Dashrath Pandey. He further submits that although the victims have sustained injuries but the injury report of the Ritesh Pandey and Dashrath Pandey suggests that the injury found upon them is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners having clean antecedent, there is case and counter case between the parties and the injuries found upon the victims are simple in nature, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with



Pharpur P.S. Case No. 10 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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)

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