

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19855 of 2024

Arising Out of PS. Case No.-350 Year-2022 Thana- CHAKIA District- East Champaran

1. Chandra Bhushan Kumar Singh @ Chandra Bhushan Kumar Son of Awadhesh Prasad Singh Resident Village- Puran Chapra, PS Chakia, District- East Champaran
2. Bhulan Bhagat S/o Samodi Bhagat Resident Village- Puran Chapra, PS Chakia, District- East Champaran
3. Jagdish Rai @ Jagdish Ram Son of Bhikhari Rai Resident Village- Puran Chapra, PS Chakia, District- East Champaran
4. Pankaj Singh @ Pankaj Kumar Son of Ram Chandra Singh Resident Village- Medan Sirishiya, PS- Kalyanpur, District- East Champaran.
5. Kanhai Singh @ Kanhaiya Kumar S/o Shivnath Singh Resident Village- Tarwa, PS- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Learned counsel for the petitioners submits that during the pendency of the bail petition, the petitioner no. 2, namely, Bhulan Bhagat has been arrested and as such the bail petition of petitioner no. 2 has become infructuous and accordingly, he seeks permission to withdraw the petition with respect to petitioner no. 2, namely, Bhulan Bhagat.

2. Permission is accorded.

3. The bail petition of petitioner no. 2, namely, Bhulan Bhagat stands dismissed as withdrawn as having become infructuous.



4. Heard Mr. Rahul Singh, learned counsel for the petitioners (except petitioner no. 2) and Mr. Harendra Prasad, learned counsel for the State.

5. The petitioners (except petitioner no. 2) are apprehending their arrest in connection with Chakia P.S. Case No. 350 of 2022, F.I.R. dated 08.08.2022 registered for the offences punishable under Sections 323, 324, 341, 307, 385, 34 of the Indian Penal Code and Section 27 of the Arms Act.

6. Prosecution case, in brief, is that on 08.08.2022 at about 01:00 P.M. the informant was constructing his house at his land situated at Puran Chapra and when accused Chandra Bhushan Kumar Singh, Bhulan Bhagat, Jagdish Rai, Pankaj Singh and Kanhai Singh armed with iron rod, farsha and pistol came at the land and accused Pankaj Singh fired the pistol but somehow it missed the informant. Accused Chandra Bhushan Singh assaulted the informant by farsha and accused Bhulan Bhagat assaulted the informant by iron rod on his head causing head injury. When informant's Munshi Sudhir Chaudhari came to save him then accused Jagdish Rai and Kanhai Singh assaulted him by farsha and iron rod on his head causing head injury. On 06.08.2022 accused Chandra Bhushan Singh had demanded Rs. 05 lakhs as ransom but the ransom was not paid and the accused committed the offence.

7. Learned counsel for the petitioners (except



petitioner no. 2) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that due to land dispute the present occurrence had taken place and there is case and counter case between the parties and after some time both the parties have compromised the petition before the learned Court below and they have compromised the case with each other and they have also filed a compromise petition before the learned Court below stating therein that they will not pursue the matter.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no. 2).

9. Considering the aforesaid facts that the petitioners having clean antecedents and due to land dispute there is case and counter case between the parties as well as they have also filed the compromise petition before the learned Court below, let the petitioners (except petitioner no. 2), 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/- (Rupees 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 Chakia P.S. Case No. 350 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



following conditions :-

(1) Petitioners (except petitioner no. 2) 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.

(2) If the petitioners (except petitioner no. 2) tamper 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 petitioners (except petitioner no. 2) and in case at any stage, it is found that the petitioners (except petitioner no. 2) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no. 2). 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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