

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21174 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- CHAKIA District- East Champaran

Chandeshwar Kumar @ Chandeshwar Ram Son of Ram Ekbal Ram Resident
of Village - Jogauliya Tola Gurmiya, Police Station - Madhuban, District -
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Madhurendra Kumar, learned counsel for

the petitioner and Mr. Sanjay Kumar Tiwary, learned APP for

the State.

2. The petitioner is apprehending his arrest
connection with Chakia P.S. Case No. 415 of 2023, F.I.R. dated
28.11.2023 registered for the offences punishable under
Sections 341, 323, 379, 384, 504, 506, 34 of the Indian Penal
Code.

3. Prosecution case, in brief, is that on 27.11.2023 at
about 08:00 A.M. informant was going to cultivate his field with
tractor and when he reached near Dudiya pond, all the accused
persons including the petitioner armed with deadly weapons
surrounded the informant and assaulted him. It is further



alleged that all he accused persons threatened the informant that if he will not fulfill the demand of rangdari or Rs. 1,00,000/- they shall not allow to cultivate his field.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is specific allegation of theft and extortion is against co-accused person and there is no allegation against the petitioner and the petitioner is the bonafide purchaser of the land in question and for the same set of land a Title Suit No. 238 of 2022 is pending before the competent court of law.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and apart from that the petitioner has participated in the present crime in question. He further submits that the petitioner carries one one more case other than the present one.

6. Considering the aforesaid facts that there is no specific allegation against the petitioner and a Title Suit is



pending between the parties for the same set of land, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakia P.S. Case No. 415 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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