

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21251 of 2024

Arising Out of PS. Case No.-2739 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Shobha Devi W/o Bhim Yadav
 2. Ganesh Rai @ Ganesh Yadav S/o Babuni Rai
 3. Nitesh Rai @ Nitesh Yadav S/o Late Nandlal Yadav all are R/o Vill -
Mishragram, P.S. - Sangrampur, Dist. - East Champaran
- Petitioner/s

Versus

1. The State of Bihar
 2. Pannalal Kumar S/o Madan Yadav R/o Vill - Mishragram, P.S. -
Sangrampur, Dist. - East Champaran
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Barnwal, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No.2739 of 2022, registered for the offence punishable under Sections 341, 323, 324, 354, 328 of the Indian Penal Code and ³/₄ of Dayan Act.

3. The prosecution case, in short, is that while complainant was sitting at the door, in the meantime all accused persons came at his door, started to abuse and calling 'Dayan' to



his aunt when the complainant forbade to abuse then all accused persons assaulted with lathi, danda when his aunt came for rescue then Vijay Yadav opened her Sari and other accused dashed her thereafter Nitesh Yadav tried to pour dirty thing in mouth. When Sonam Kumari came then Bhim Yadav assaulted with lathi, causing injury on arm. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that from perusal of the complaint petition, it appears that date of occurrence as alleged in the complaint petition is 18.10.2022, but the present complaint petition has been instituted on 04.11.2022 without giving any explanation of delay. Further submits that before lodging of the present complaint petition, the petitioners' side has filed an FIR bearing Sangrampur P.S. Case No.351 of 2022 dated 22.10.2010 against the informant and their family members and in retaliation the present complaint petition has been filed only to harass the petitioner.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, 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 anticipatory 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 Judicial Magistrate, Ist Class, Motihari, East Champaran in connection with Complaint Case No.2739 of 2022, 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 their anticipatory 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 anticipatory 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)

Prakash Narayan

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