

IN THE HIGH COURT of JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25559 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- ADAPUR District- East Champaran

1. Dharm Dev Pandit Son of Munshi Pandit Resident of Village - Chikni Ps-Adapur, Dist- East Champaran
2. Raghubir Pandit Son of Munshi Pandit Resident of Village - Chikni Ps-Adapur, Dist- East Champaran
3. Jitendra Pandit @ Jitendra Kumar Prajapati Son of Munshi Pandit Resident of Village - Chikni Ps- Adapur, Dist- East Champaran
4. Susil Pandit @ Susil Kumar Pandit Son of Munshi Pandit Resident of Village - Chikni Ps- Adapur, Dist- East Champaran
5. Sakal Dev Pandit Son of Vishun Dev Pandit Resident of Village - Chikni Ps-Adapur, Dist- East Champaran
6. Hira Lal Pandit Son of Late Draoga Pandit Resident of Village - Chikni Ps-Adapur, Dist- East Champaran
7. Arun Pandit @ Arun Kumar Son of Hira Lal Pandit Resident of Village - Chikni Ps- Adapur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Dhannjay Kumar No. 2, learned counsel

for the petitioners as well as Mr. Murli Dhar, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Adapur (Harpur) P.S. Case No. 344 of 2023, F.I.R. dated 25.11.2023 for the offences punishable under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian



Penal Code.

3. According to prosecution case, all the F.I.R named accused persons armed with deadly weapon have abused and assaulted the informant and other persons due to some previous dispute regarding land.

4. Learned counsel for the petitioners submits that petitioner nos. 1 to 6 have clean antecedent and petitioner no. 7 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R itself that due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that there is case and counter case between the parties. He further submits that although the informant has received injury but the injury report suggests that the injury 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, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran at Motihari in connection with Adapur (Harpur) P.S. Case No. 344 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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)

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