

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25375 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. AWANISH KUMAR SON OF NAGENDRA BHAGAT RESIDENT OF VILLAGE - JHAKHARA, P.S. - GOVINDGANJ, DISTRICT - EAST CHAMPARAN, MOTIHARI
 2. LALT DEVI WIFE OF NAGENDRA BHAGAT RESIDENT OF VILLAGE - JHAKHARA, P.S. - GOVINDGANJ, DISTRICT - EAST CHAMPARAN, MOTIHARI
 3. BIBHA KUMARI DAUGHTER OF NAGENDRA BHAGAT RESIDENT OF VILLAGE - JHAKHARA, P.S. - GOVINDGANJ, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners and Mr. Syed Ehteshamuddin, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Govindganj P.S. Case No. 280 of 2022, F.I.R. dated 08.06.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 341, 447, 379 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came to the house of the



informant and assaulted the informant and when the family members of the informant came to rescue, accused persons also assaulted them. It is further alleged that accused persons molested the female family members of the informant and snatched gold from the neck of Sima Devi.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that due to admitted land dispute the present occurrence had taken place and both the parties are agnates to each other. He further submits that it also appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 28.05.2022 but the present F.I.R. was instituted on 08.06.2022 after delay of ten days without giving any explanation of delay. He further submits that the police after investigation submitted chargesheet against the petitioners but not found case true under Section 307 of the Indian Penal Code.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and the police had not found case under Section 307 of the Indian Penal Code against the



petitioners, 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 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, East Champaran, Motihari in connection with Govindganj P.S. Case No. 280 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 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 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 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 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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