

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28192 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BAIRIYA District- West Champaran

1. Munna Kumar Son of Tulsi Mahto Resident of Village - Machhargawa, Police Station - Bairiya, District - West Champaran
2. Awadhesh Kumar @ Avdhesh Kumar Son of Tulsi Mahto Resident of Village - Machhargawa, Police Station - Bairiya, District - West Champaran
3. Arun Kumar Son of Tulsi Mahto Resident of Village - Machhargawa, Police Station - Bairiya, District - West Champaran
4. Tulsi Mahto Son of Late Satan Mahto Resident of Village - Machhargawa, Police Station - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioners and Dr. Ajeet Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 02 of 2024, F.I.R. dated 09.01.2024 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegation against the petitioners is that they assaulted to the informant and others with deadly weapons due to which he sustained injury.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case due to admitted land dispute between the parties and there is one Title Suit is pending between the parties. He further submits that there is case and counter case between the parties and although there is allegation against these petitioners that they have assaulted to the informant and his family members but the injury report of the informant and his family members suggests that the injuries are simple in nature caused by hard and blunt substance and sharp substance.

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 there is case and counter case between the parties as well as the injury report of the informant and his family members suggests that the injuries are simple in nature, 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, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 02 of 2024, 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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