

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28201 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- SUGAULI District- East Champaran

1. Ram Niwas Kushwaha Son of Baldeo Mahto Resident Of Village - Khutiarwa, P.O. - Raghunathpur Bazar, P.S. - Sugauli, District - East Champaran
2. Sanjeev Kumar Son of Ram Niwas Kushwaha Resident Of Village - Khutiarwa, P.O. - Raghunathpur Bazar, P.S. - Sugauli, District - East Champaran
3. Vinay Kumar @ Binay Kumar Son of Ram Niwas Kushwaha Resident Of Village - Khutiarwa, P.O. - Raghunathpur Bazar, P.S. - Sugauli, District - East Champaran
4. Sunita Devi Wife of Ram Niwas Kushwaha Resident Of Village - Khutiarwa, P.O. - Raghunathpur Bazar, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2024 Heard Mr. Karandeep Kumar, learned counsel for the petitioners, Mr. Vijay Shankar Shrivastava, and Mr. Nityanand, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 16 of 2024, F.I.R. dated 10.01.2024 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 354B, 504, 506, 379/34 of the Indian Penal Code.



3. Allegation against the petitioners is that they along with other co-accused persons have assaulted the informant and his family members by means of *farsha* and *lathi* due to which they sustained injuries.

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 due to admitted land dispute the present occurrence had taken place and there is case and counter case between the parties. He further submits that although the four persons from the informant's side received injuries but the injury report of the four persons suggests that the injuries are simple in nature and petitioners' side also received injuries.

5. Learned counsel appearing on behalf of the Informant and learned APP for the State, on the other hand, vehemently 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 and the injury report of the informants' side 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, East Champaran, Motihari in connection with Sugauli P.S. Case No. 16 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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