

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31474 of 2024

Arising Out of PS. Case No.-574 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

1. Om Prakash Prasad Keshari @ Om Prakash Keshari @ Om Prakash Keshri
Son Of Rajendra Prasad Keshari @ Rajendra Sah @ Rajendra Shah @
Rajenbdra Prasad Keshri Village- Kolharwa,P.S.- Motihari Town, Dist- East
Champaran
2. Jay Prakash Prasad Keshari @ Jayprakash Kumar Son Of Rajendra Prasad
Keshari @ Rajendra Sah @ Rajendra Shah @ Rajendra Prasad Keshri
Village- Kolharwa, P.S.- Motihari Town, Dist- East Champaran
3. Rajendra Prasad Keshari @ Rajendra Sah @ Rajendra Shah @ Rajendra
Prasad Keshri Son Of Late Ramji Keshri @ Ramji Sah Village-
Kolharwa,P.S.- Motihari Town, Dist- East Champaran
4. Kanchan Devi Wife Of Rajendra Prasad Keshari @ Rajendra Sah @
Rajendra Shah @ Rajenbdra Prasad Keshri Village- Kolharwa, P.S.-
Motihari Town, Dist- East Champaran
5. Pinki Devi Wife Of Om Prakash Prasad Keshari @ Om Prakash Keshari @
Om Prakash Keshri Village- Kolharwa, P.S.- Motihari Town, Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

Mr. Jitendra Sinha, Advocate

For the State : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioners and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioners, apprehending their arrest, in connection with
Motihari Town P.S. Case No. 574 of 2019, registered for the
offences punishable under Sections 341, 323, 324, 307,379 and
506/34 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is



that there is allegation of assault against the Petitioners by means of fist and slaps. When the family members of the Informant came to rescue, the Petitioners, Kanchan Devi and Pinki Devi armed with Iron rod assaulted them. Thereafter, the Petitioners, Om Prakash Prasad Keshari and Jay Prakash Prasad Keshari snatched Rs. 30,000/- from the pocket of the Informant.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. She further submits that the accused-petitioners and the Informant are family members and on account of some land dispute the occurrence had taken place and the matter has been settled between the parties. Moreover, the alleged injury is simple in nature and no case is made out under Section 307 of the Indian Penal Code.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Motihari East Champaran, in connection with Motihari Town P.S. Case No. 574 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

Chandan/
shailendra-

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