

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64654 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- CHOUTARWA District- West Champaran

1. Rameshwar Prasad @ Rameshwar Sah @ Rameshwar Shah Son of Late Dinanath Prasad @ Late Dinanath Shah @ Late Dinanath Sah, Resident of village - Baswariya, Police Station - Chautarwa, District - West Champaran (Bettiah).
2. Krishna Sah @ Krishna Shah Son of Badri Shah @ Badri Sah, Resident of village - Baswariya, Police Station - Chautarwa, District - West Champaran (Bettiah).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Lokesh Kumar Singh, Advocate
For the Informant	:	Mr. Anand Kishor Choudhary, Advocate
For the Opposite Party	:	Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Lokesh Kumar Singh, the learned counsel for the petitioners, Mr. Anand Kishor Choudhary, the learned counsel for the informant and Mr. Mithlesh Kumar Khare, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chautarwa PS Case No. 93 of 2024, FIR dated 29.03.2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 447 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, all the FIR named accused persons including the petitioners and fifty



unknown persons, variously armed, came at the door of the informant and assaulted the informant and his family members.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the present case is the counter blast of Chautarwa P.S. Case No. 92 of 2024 filed on behalf of the petitioners' side against the informant and it is evident from the FIR itself that due to admitted land dispute the present occurrence has taken place. He further submits that although petitioners are named in the FIR, but there is no specific allegation of any assault or overt act attributed against the petitioners, rather the allegation against them is general and omnibus in nature. He lastly submits that specific allegation of assault is attributed against the co-accused persons namely, Harihar Sah and Harishchandra Sah.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR, apart from that, petitioner no. 1 carries two criminal antecedents other than the present and petitioner no. 2 carries five criminal antecedents other than the present, however, he fairly admits on the basis of paragraph no. 3 of the bail petition that both the



petitioners are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the fact that there is no specific allegation of any assault or overt act attributed against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-I, Bagaha, West Champaran, where the case is pending in connection with **Chautarwa PS Case No. 93 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court 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 learned trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--

