

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64521 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- DARPA District- East Champaran

1. Dilip Kumar Son of Late Ramvineg Singh village- Tinkoni, Ps- Darpa, Dist- East Champaran
2. Pradip Kumar @ Chitranjan Kumar Son of Late Ramvineg Singh village- Tinkoni, Ps- Darpa, Dist- East Champaran
3. Amit Kumar Son of Late Ramvineg Singh village- Tinkoni, Ps- Darpa, Dist- East Champaran
4. Vakil Kumar Son of Late Ramvineg Singh village- Tinkoni, Ps- Darpa, Dist- East Champaran
5. Nirmala Devi Wife of Late Ramvineg Singh village- Tinkoni, Ps- Darpa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Rajesh Ranjan, learned counsel for the petitioners and Mr. Nityanand, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 53 of 2024, F.I.R. dated 15.04.2024 for the offences punishable under Sections 341, 323, 379, 354, 354(B), 385, 504, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused



persons were cutting the green tree of Gular of the informant, sister-in-law (*nanad*) of the informant made objection, then all the accused persons assaulted her and unveiled her. On hearing noise, when the informant reached there along with her mother in law, all the accused persons started abusing, dragging and unveiled them and taken hostage. It is further stated that the accused persons have demanded extortion money of Rs. 1,00,000/- from the husband of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioners are close relative of the informant. He further submits that from a bare perusal of the FIR it appears that there is general and omnibus allegation attributed against all the accused persons including the petitioners.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.



6. Considering the aforesaid facts, the petitioners having clean antecedent and due to admitted land dispute the present occurrence has taken place, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Raxaul at Motihari, East Champaran in connection with Darpa P.S. Case No. 53 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 antecedent, the court below shall take step for cancellation of bail bonds 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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