

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77636 of 2023

Arising Out of PS. Case No.-376 Year-2020 Thana- KESARIA District- East Champaran

1. DEEPAK KUMAR SON OF SUBHNARAYAN SAHANI R/O VILLAGE-DHEKHAN, P.S.- KESRIA, DISTRICT- EAST CHAMPARAN
2. JAGGILAL SAHANI SON OF LATE RITTHA SAHANI R/O VILLAGE-DHEKHAN, P.S.- KESARIA, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Keshariya P.S. Case No. 376 of 2020 for the offence under sections 147, 148, 149, 341, 323, 324, 302, 504, 506 of the I.P.C. lodged on 20.09.2020 by the informant, Subodh Kumar.

3. As per the prosecution story, the accused persons armed variously came, abused and assaulted the informant's father. The specific allegation against Deepak Kumar is of assaulting on head of the informant with iron rod causing injury and he fell down. So far as the petitioner no. 2, Jaggilal Sahani is concerned, the allegation is of having caught hold of the informant's father. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that earlier charge sheets were submitted against the other accused persons and so far as these petitioners are concerned, final form was submitted on 19.07.2022 but later, deferring from it cognizance has been taken necessitating this anticipatory bail.

5. Learned APP opposes the prayer stating that so far as the petitioner no. 1 is concerned, he has given iron rod blow to the deceased on the head.

6. Taking into account the specific allegation against petitioner no. 1, Deepak Kumar, no case of anticipatory bail is made out and accordingly, the same stands rejected.

7. So far as the petitioner no. 2, Jaggilal Sahani is concerned, there is no specific allegation against him, the only allegation is of having caught hold of the deceased, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner no. 2, Jaggilal Sahani be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, in connection with Keshariya P.S. Case No.



376 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner no. 2 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 2 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 2 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Rajiv Roy, J)

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