

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81202 of 2023

Arising Out of PS. Case No.-346 Year-2023 Thana- HARSIDHI District- East Champaran

1. Mithu Kumar Sah Son Of Sohan Sah R/O Village- Goithaha, P.S.- Harsidhi, Dist.- East Champaran At Motihari
2. Nitish Kumar Son Of Sohan Sah R/O Village- Goithaha, P.S.- Harsidhi, Dist.- East Champaran At Motihari

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Anil Kumar, learned counsel for the petitioners as well as Mr. Ram Priya Sharan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 346 of 2023, F.I.R. dated 30.05.2023 for the offences punishable under Sections 147, 341, 323, 324, 307, 354(B), 504, 506 and 379 of the Indian Penal Code.

3. According to prosecution case, petitioner no. 1 has assaulted the son of the informant by means of farsa due to which he sustained injuries petitioner no. 2 tried to outrage the modesty of the informant and also snatched gold mangalsutra from her neck.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and due to the admitted land dispute between the parties, the present occurrence has taken place. In fact, one of the family member of the petitioners has filed Title Suit No. 124 of 2022 for the same set of land which is the subject matter of the present occurrence. He further submits that as per the F.I.R, the petitioners have assaulted the son of the informant but the injury report of the son of the informant suggests that the injury is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that there is previous land dispute and the petitioners have clean antecedent, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Raxaul at Motihari, District- East Champaran in connection with Harsidhi P.S. Case No. 346 of 2023, 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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