

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79763 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- KALYANPUR District- East Champaran

1. Rahul Kumar @ Rahul Kumar Kushwaha Son Of Yamuna Bhagat @ Yamuna Prasad Kushwaha R/O Village- Bahuara Harivansh, P.S.- Kalyanpur, Dist.- East Champaran
2. Bacha Prasad Kushwaha @ Vikash Kumar Kushwaha @ Bacha Prasad Son Of Yamuna Bhagat @ Yamuna Prasad Kushwaha R/O Village- Bahuara Harivansh, P.S.- Kalyanpur, Dist.- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kalyanpur P.S. Case No. 221 of 2023 dated 21.06.2023 registered for the offences punishable u/ss 341, 342, 323, 324, 326, 307, 354(b), 379, 504, 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have assaulted the informant and his family members and they also committed *loot-pat* in his house and disrobed the female members.



4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to land dispute. Learned counsel has further submitted that the petitioners and the informant are own *patidar*. There is a case and counter case between the parties. It is further submitted that there is general and omnibus allegation against the petitioners and the petitioners have no concern with the alleged offence. The co-accused persons have already been granted anticipatory bail by the Coordinate Bench of this court vide order dated 10.01.2024 passed in Cr. Misc. No. 80502 of 2023. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Motihari, East Champaran in connection with Kalyanpur P.S. Case No.



221 of 2023 , subject to conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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