

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1819 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- PAHARPUR District- East Champaran

1. Sudama Prasad S/O Late Barhamdev Prasad R/O Village- Noneya Makhaniya,Ps.- Dist. East. Champaran.
2. Chhotu Prasad S/O Late Barhamdev Prasad R/O Village- Noneya Makhaniya,Ps.- Dist. East. Champaran.
3. Kashilal Prasad S/O Late Barhamdev Prasad R/O Village- Noneya Makhaniya,Ps.- Dist. East. Champaran.
4. Suraj Kumar S/O Sudama Prasad R/O Village- Noneya Makhaniya,Ps.- Dist. East. Champaran.
5. Shiv Kumar S/O Kashilal Prasad R/O Village- Noneya Makhaniya,Ps.- Dist. East. Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar No 2, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Navin Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Dhananjay Kumar No.2, learned counsel for the petitioners, Mr. Navin Kumar Singh, learned counsel for the informant and Mr. Uday Chand Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Paharpur P.S. Case No. 337 of 2023, F.I.R. dated 22.08.2023 for the offences punishable under Sections 341, 342, 323, 324, 307, 32, 354, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have assaulted the informant and her family members.

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 due to admitted land dispute the present occurrence has taken place and both the parties are agnates to each other. He further submits that there is case and counter case between the parties. He further submits that from a bare perusal of the FIR it appears that the petitioner and co-accused persons have assaulted the informant although she has received the injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt object.

5. Learned counsel for the informant and learned Additional Public Prosecutor appearing on behalf of the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent and there injury received upon the informant is simple in nature, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No. 337 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 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)

ajay/-

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

