

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1897 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- PALANWA District- East Champaran

1. Nagina Gaddi Son Of Jatan Gaddi Resident Of Village- Babuiyan, P.S.- Palanwa, District- East Champaran
2. Majare Alam Gaddi Son Of Jokhan Gaddi Resident Of Village- Babuiyan, P.S.- Palanwa, District- East Champaran
3. Jokhan Gaddi Son Of Jatan Gaddi Resident Of Village- Babuiyan, P.S.- Palanwa, District- East Champaran
4. Najare Alam Gaddi Son Of Nagina Gaddi Resident Of Village- Babuiyan, P.S.- Palanwa, District- East Champaran
5. Saifulla Khatoon Nagin Gaddi Resident Of Village- Babuiyan, P.S.- Palanwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners and Ms. Renu Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Palanwa P.S. Case No. 171 of 2023, F.I.R dated 22.08.2023 for the offences punishable under Sections 447, 341, 323, 307, 354-B, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons have abused and assaulted the



informant and also tried to outrage the modesty of the informant. It is further alleged that they have also assaulted the other family members of the informant and committed theft in the house 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 and due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that it appears from the F.I.R that petitioner no. 1 has assaulted the informant by means of farsa. He further submits that the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance. He further submits that the allegation against the petitioner nos. 2 to 5 is that they have also assaulted the family members of the informant but there is no specific allegation of any assault or overt act attributed against them rather there is general and omnibus allegation against all other petitioners.

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

6. Considering the aforesaid facts and circumstances, 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 Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Palanwa P.S. Case No. 171 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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