

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4780 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- CHANPATIA District- West Champaran

1. Pramod Sah Son of Chandrika Sah Resident of Vill- Jiyachha Tola, Chuahdi, P.S.- Chanpatiya, District- West Champaran
2. Aftab Dewan @ Aftab Alam Son of Fazil Dewan @ Fazir Dewan Resident of Vill- Jiyachha Tola, Chuahdi, P.S.- Chanpatiya, District- West Champaran
3. Vinay Sah @ Bholu Kumar @ Vinay Kumar Son of Pramod Sah Resident of Vill- Jiyachha Tola, Chuahdi, P.S.- Chanpatiya, District- West Champaran
4. Fazil Dewan @ Fazir Dewan Son of Late Saifullah Dewan Resident of Vill- Jiyachha Tola, Chuahdi, P.S.- Chanpatiya, District- West Champaran
5. Altaf Dewan @ Akraf Ansari @ Asraf Ansari @ Asraf Alam Son of Fazil Dewan @ Fazir Dewan Resident of Vill- Jiyachha Tola, Chuahdi, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mrs. Madhuri Lata, APP
For the Informant	:	Ms. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as Mrs. Madhuri Lata, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chanpatiya P.S. Case No. 33 of 2024, F.I.R. dated 27.01.2024 for the offences punishable under Sections 147, 149, 385, 323, 324, 307, 327, 427, 504 and 506 of the Indian Penal Code.



3. According to prosecution case, all the accused persons including these petitioners armed with weapons have brutally assaulted the father and uncle of the informant due to some land dispute.

4. Learned counsel for the petitioners submits that petitioner nos. 1 & 2 carries one criminal antecedent, petitioner no. 4 carries three criminal antecedents and petitioner nos. 3 & 5 have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, due to admitted land dispute the present occurrence has taken place. There is case and counter case between the parties. He further submits that although there is specific allegation against the petitioner no. 1 that he has assaulted to the father of the informant namely, Rajdev Prasad Yadav and petitioner no. 4 has assaulted to one Jatashankar Yadav but the injury report of the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance. He further submits that Title Suit No. 400 of 2023 is pending between the parties.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against these petitioners that they have assaulted the family members of the informant.

6. Considering the aforesaid facts and circumstances that there is case and counter case between the parties and the injuries received by the injured persons are 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 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, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 33 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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