

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9835 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- DARPA District- East Champaran

1. Radha Krishna Singh Son of Late Bhikhari Singh
2. Srikrishna Singh Son of Late Bhikhari Singh
3. Shailendra Singh @ Shailendra Kumar Son of Radha Krishna Singh.
All are Resident of Village - Bakhtaura, P.S. - Darpa, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-02-2025 Heard Mr.Karandeep Kumar, learned counsel for the
petitioners and Mr.Shyam Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S.Case No.94 of 2024, FIR dated 26.06.2024 registered for the offences punishable under Sections 147,149,341,323,324,325,307,354,379,504 and 506 of the Indian Penal Code.

3. According to the prosecution case, the co-accused persons, who used to cultivate the land of the informant, assaulted the informant when he came to the said land due to which informant received injuries on his right finger and head.



It is further alleged that the co-accused persons also assaulted informant's brother and other persons who came to informant's rescue. It is further alleged that one Dharendra Singh snatched golden hanumani of one Amit Kumar and one Santosh Singh misbehaved with informant's wife.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to land dispute between the parties. There is case and counter case. It appears from the FIR itself that due to admitted land dispute, the present occurrence had taken place. Although petitioners are named in the FIR but there is no specific allegation of any assault or overt-act attributed against them and co-accused persons, namely, Suresh Kumar Mahto @ Suresh similarly situated co-accused person, namely, Santosh Kumar @ Santosh Singh, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No.88757 of 2024 and another co-accused person, namely, Munna Singh has also been granted privilege of anticipatory bail by this Court vide order dated 14.02.2025 passed in Cr. Misc. No.7321 of 2025.

5. Learned A.P.P. for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and similarly situated co-accused persons have been granted privilege of anticipatory bail by this Court, let the petitioners, above named, in the event of their 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Darpa P.S.Case No.94 of 2024, 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 bonds 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 antecedents, 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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