

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18998 of 2025

Arising Out of PS. Case No.-376 Year-2023 Thana- CHHATAUNI District- East Champaran

Moti Rai S/o Kamal Rai Resident of village - Bada Bariyapur P.S.- Chhatauni,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Chhatauni P.S. Case No. 376 of 2023 dated 09.08.2023, instituted for the offence punishable under Sections 341, 323, 327, 384, 385, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on 07.08.2023, the informant was constructing boundary wall in his Khatiyani land, in the meantime, petitioner along with other co-accused persons holding weapons in their hands came and started obstruction in construction work and they abused and assaulted labours and masons. Co-accused Jagmohan Rai tried to obtain signature of informant on plain paper on the point of country made pistol. All the accused persons demanded 2 katha



land as rangdari from the informant and they threatened the informant to kill him and his family members. When brother of informant namely, Vikash Kumar Singh came to rescue, he was also assaulted by accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that there is a case and counter case between the parties. Counter case bearing Complaint Case No. 2169 of 2023 has been filed by the petitioner against brothers of the informant on 05.08.2023 for the offences punishable under Sections 341, 323, 406, 420, 427, 504 and 506 of the I.P.C. The present case has been lodged on 09.08.2023 i.e. after the case filed by the petitioner against brothers of informant. It is next submitted that there is no specific allegation against the petitioner rather the specific allegation is against co-accused Jagmohan Rai who tried to obtain signature of the informant on plain paper on the point of Nalkatua (country made pistol). It is further stated similarly situated three accused persons have been granted anticipatory bail by the learned lower Court itself but the anticipatory bail of the petitioner was rejected by the learned lower Court due to his past criminal antecedents. Lastly, it has been submitted that petitioner has four criminal cases against



him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chhatauni P.S. Case No. 376 of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Motihari/ Concerned Court, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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

