

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25311 of 2025

Arising Out of PS. Case No.-322 Year-2024 Thana- BAHERI District- Darbhanga

Satan Chaupal S/O Domi Chaupal R/O Village- Bithauli, P.S- Baheri, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-04-2025 Heard Mr. Baidyanath Prasad, learned counsel for the petitioner and Mr. Rajiv Nayan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baheri P.S. Case No. 322 of 2024, F.I.R. dated 14.09.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 303(2), 74, 351(2), 352 and 3(5) of B.N.S.S. corresponding to 341, 323, 324, 379, 354, 506 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner and other co-accused persons came into the house of the informant abused and assaulted him on the head.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has 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 petitioner has not committed any offences as alleged in the F.I.R. He further submits that although the petitioner is named in the F.I.R. but from the perusal of the F.I.R. it appears that there is specific allegation of assault is attributed against the co-accused person, namely, Mohan Chaupal. He further submits that from perusal of the F.I.R. it appears that there is admitted land dispute between the parties and there is no specific allegation of any assault or overt act against this petitioner except may be he was member of the mob rather there is general and omnibus allegation against all the accused persons including this petitioner.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of assault or over act against the petitioner, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VII, Darbhanga in connection with Baheri P.S. Case No. 322 of 2024, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner 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 petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

Jyoti Kumari/-

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