

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23829 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- DARPA District- East Champaran

1. Shiv Jee Prasad S/O Late Chuni Lal Sah Village- Bhatnahiya ,P.S-Darpa ,District-East Champaran
2. Manoj Kumar S/O Late Chuni Lal Sah Village- Bhatnahiya ,P.S-Darpa ,District-East Champaran
3. Om Prakash Prasad S/O Late Dashrath Sah Village- Bhatnahiya ,P.S-Darpa ,District-East Champaran
4. Hari Om Prasad S/O Late Dashrath Sah Village- Bhatnahiya ,P.S-Darpa ,District-East Champaran
5. Radhe Shyam Prasad S/O Shiv Jee Prasad Village- Bhatnahiya ,P.S-Darpa ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2025 Heard Mr. Vijay Shankar Shrivastava, learned

counsel for the petitioners and Mr. Raj Ballabh Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Darpa P.S. Case No.215 of 2024, F.I.R. dated
30.12.2024 for the offences punishable under Sections 191(2),
190, 126(2), 115(2), 118(1), 109, 303(2), 308(3), 308(4), 111(3),
352, 351(2) of Bharatiya Nyay Sanhita.

3. According to prosecution case, when the informant



went for an enquiry of Case No. 208/2024 and 211 of 2024, petitioner no.2 along with other accused person arrived and started abusing and threatened to kill those who gave witness in favour of Jitesh Kumar. Two accused persons assaulted the brother of the informant on his head and petitioner no.1,3,4 & 5 along with other accused persons variously armed with *farsa*, rod, *bhal barchi* arrived at the house of Jitesh Kumar and attacked and assaulted Mukesh Kumar. Petitioner no.5 snatched golden chain of Mukesh Kumar and Petitioner no.2 opened fire and other accused persons took two bicycles from the *barmada* of Jitesh Kumar.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. The present case is the counter blast of Darpa P.S Case No. 214 of 2024, filed by one Sunil Kumar (co-accused in the present case) against Jitesh Kumar, Lal Saheb Kumar, Mukesh Kumar and others. Although the petitioners are named in the FIR but from bare perusal of the FIR it transpires that FIR is in two parts, in the first part there is specific allegation of assault against one Monu Lal Rai and in second part there is general and omnibus allegation against all the accused persons including these petitioners. He further submits



that there is specific allegation against petitioner no.2 that he opened fire and demanded ransom from the brother of the informant. He further submits that the informant has filed the preset case after filling of Darpa P.S Case No. 214 of 2024 and apart from that the injury sustained by the injured persons is simple in nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners have one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, there is case and counter case between the parties and there is no specific allegation against the petitioners and injury sustained by the injured persons is 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 C.J.M. Motihari, East Champaran in connection with Darpa P.S. Case No.215 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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