

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24825 of 2025

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

1. Sikandar Kumar Yadav @ Sikandar Kumar Son of Jiya Lal Rai @ Bijli Rai
Resident of Village - Bhatnahia, P.S.- Darpa, District - East Champaran
2. Manu Lal Rai @ Manu Lal Yadav Son of Jagarnath Rai
3. Ram Ayodhya Prasad Yadav Son of Late Darshan Rai
Both are Resident of Village - Sihorwa, 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 : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-07-2025 Heard Mr.Vijay Shankar Shrivastava, learned counsel
for the petitioners and Ms.Asha Kumari, 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, FIR dated
30.12.2024 registered 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,
other accused person arrived and started abusing and threatened



to kill those who gave witness in favour of Jitesh Kumar. Petitioner No.2 assaulted the brother of the informant on his head by means of Farsa and petitioner No.2 also assaulted to one Lal Saheb Rai by means of iron rod and petitioner no. 1 and 3 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.1 snatched 25,000/- from the pocket of Mukesh Kumar.

4. Learned counsel for the petitioners submits that petitioner No.1 carries one more case other than the present one and he is on bail in the said case. Petitioner Nos.2 and 3 have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to PACS dispute, the present occurrence had taken place. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. As per allegation in the FIR, petitioner No.1 has assaulted to the informant and petitioner No.2 has assaulted the brother of the informant on his head by means of Farsa and petitioner No.2 also assaulted to one Lal Saheb Rai by means of iron rod and there is no specific allegation of any assault or overy-act attributed against petitioner No.3. Although the brother of the



informant has received injury but the injury report of the brother of the informant suggests that the injury is simple in nature and as per injury report of Radheshyam Prasad is concerned which suggests that his injury is also simple in nature and there is no injury report available on the record of Lal Saheb Rai which suggests that he has not received any injury. There is case and counter case and co-accused persons, namely, Sshiv Jee Prasad and Others have been granted privilege of anticipatory bail by this Court vide order dated 05.05.2025 passed in Cr. Misc. No.23829 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, there is case and counter case and injury inflicted upon the injured person is simple in nature, 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, 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 BNSS,2023 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)

Nitesh/-

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