

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25265 of 2025

Arising Out of PS. Case No.-157 Year-2024 Thana- GOPALPUR District- West Champaran

1. Dhanilal Das S/O Late Raghubir Das R/O Village- Jhakhra, P.S- Gopalpur, Dist.- West Champaran, Bettiah.
2. Maksudan Das @ Maksudan Kumar S/O Dhanilal Das R/O Village- Jhakhra, P.S- Gopalpur, Dist.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jhunu Sharma S/O Late Belash Sharma R/O Village- Jhakhra, P.S- Gopalpur, Dist.- West Champaran, Bettiah.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-07-2025 Heard Mr. Mritunjay Kumar, learned counsel for the petitioners and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No.157 of 2024, F.I.R. dated 05.11.2024 for the offences punishable under Sections 126(2), 127(2), 76, 115(2), 118(1), 109, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 02.11.2024, the petitioners along with other co-accused persons came to his house and started assaulting him and when his wife came to rescue him, the accused persons assaulted her and



tried to outrage her modesty.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. It appears from the FIR that petitioner no.1 is the order giver and petitioner no.2 has assaulted the informant and the informant received three injuries but his injury report suggest that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against petitioner no.2 that he assaulted the informant and the informant received injury.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and due to admitted land dispute the present occurrence took place and injury inflicted upon the informant 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 JM-I, West Champaran, Bettiah in connection with Gopalpur P.S. Case No.157 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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