

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33540 of 2025

Arising Out of PS. Case No.-319 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Nagendra Sahani S/o Sitaram Sahani R/o Village- Puraina, P.S.-
Dumariyaghat, District- East Champaran
 2. Dhanu Kumar S/o Nagendra Sahani R/o Village- Puraina, P.S.-
Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Suraj Kumar Tiwari, learned counsel for
the petitioners and Mr. Ramchandra Sahni, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Dumariyaghat P.S. Case No. 319 of 2023, F.I.R.
dated 13.12.2023 for the offences punishable under Section 341,
323, 353, 504, 34 of Indian Penal code.

3. According to prosecution case, the informant
alleged that when he along with other police personnel reached
the place of occurrence to vacate the encroached land in
compliance of order passed in Encroachment Case No.04 of
2022, then the petitioners arrived and started creating hurdle and



threatened them and also misbehaved with the people of administration.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but it appears from the FIR that there is no specific allegation of assault against these petitioners rather the allegation levelled against them is general and omnibus.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation against the petitioners, 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 J.M. 1st Class, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 319 of 2023, 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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