

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60684 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- KOTWA District- East Champaran

1. AJEET KUMAR @ AJEET KUMAR UPADHYAY Son of Shashi Kant Upadhyay @ Shashikant Upadhyay Resident of Village - Kotwa Bazar, P.S.- Kotwa, District - East Champaran
2. Adarsh Kumar Upadhyay @ Ankaj @ Adarsh Upadhyay Son of Shashi Kant Upadhyay @ Shashikant Upadhyay Resident of Village - Kotwa Bazar, P.S.- Kotwa, 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. Tarun Prasad Mandal, APP
For the Informant :	Mr. Kundan Rathore @Kundan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2025 Heard Mr. Suraj Kumar Tiwari, learned counsel for the petitioners, Mr. Tarun Prasad Mandal, learned Additional Public Prosecutor for the State and Mr. Kundan Rathore @Kundan Kumar, learned counsel for the Informant.

2. The petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 271 of 2024, F.I.R. dated 28.09.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 74, 303(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that on 22.09.2024, when the informant was sitting at



his door along with his family members, then the petitioners along with other accused persons came there, and started abusing with making allegation of Diaan on the wife of the informant. Then the accused persons assaulted the wife of the informant and ousted her modesty and when the informant and his mother came to rescue, the accused persons assaulted them also. It is further alleged that the accused persons snatched gold *mangalsutra* worth of Rs.40,000/- from the neck of informant's wife.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. There is case and counter case between the parties. Although there is specific allegation against the petitioners that they assaulted the wife of the informant but the injury report of the injured person suggest the injury inflicted upon her is simple in nature. He further submits that the present occurrence took place on 22.09.2024 but the FIR was instituted on 28.09.2024 i.e. after delay of six days without giving any reason of delay.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioners on the ground that the



petitioners are named in the FIR and the petitioners carry one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that they are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, 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 in connection with Kotwa P.S. Case No. 271 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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