

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73736 of 2024

Arising Out of PS. Case No.-274 Year-2022 Thana- KALYANPUR District- East Champaran

1. Raj Kishun Thakur Son of Late Shiv Raj Thakur
2. Sumitra Devi wife of Raj Kishun Thakur.
Both Resident of Village - Bahuara Haribans, P.S. - Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, App

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2025 Heard Mr.Madhurendra Kumar, learned counsel for the petitioners and Ms.Sucheta Yadav, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kalyanpur P.S.Case No.274 of 2022, FIR dated 02.10.2022 registered for the offences punishable under Sections 341,323,324,307,504,385,379,34 of the Indian Penal Code.

3. Allegation against the petitioners is that they alongwith other co-accused persons abused and assaulted the informant and his family member and also snatched their belongings.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that due to admitted land dispute, the present occurrence had taken place and there is case and counter case and although there is specific allegation against the petitioners that they have assaulted to the informant and his family members but the injury report of the informant and his family members reveals that all the injuries inflicted upon the injured persons are simple in nature.

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, petitioners have clean antecedent, there is case and counter case and injuries inflicted upon the injured persons are 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 Kalyanpur P.S.Case No.274 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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)

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