

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88757 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- DARPA District- East Champaran

Santosh Kumar @ Santosh Singh son of Nagendra Singh, Resident of Village-
Bakhtaura, PS- 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 : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Vijay Shankar Shrivastava, the learned
counsel for the petitioner and Mr. Sanjay Kumar Tiwary, the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Darpa PS Case No. 94 of 2024, FIR dated
26.06.2024, registered for the offences punishable under
Sections 147, 149, 341, 323, 324, 325, 307, 354, 379, 504 and
506 of the Indian Penal Code.

3. According to the prosecution case, the co-accused
persons, who used to cultivate the land of the informant,
assaulted the informant when he came to the said land due to
which informant received injuries on his right finger and head.
It is further alleged that the co-accused persons also assaulted
informant's brother and other persons who came to informant's



rescue. It is further alleged that one Dhirendra Singh snatched golden *hanumani* of one Amit Kumar and one Santosh Singh misbehaved with informant's wife.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that both the parties are agnates to each other, there is case and counter case between them and due to admitted land dispute the present occurrence has taken place. He lastly submits that although there is specific allegation against the petitioner that he has assaulted to the brother of the informant namely, Ranjit Singh, however, the injury report of Ranjit Singh suggests that injury is simple in nature.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is case and counter case between the parties, due to admitted land dispute the present occurrence has taken place and injury report of the informant's brother suggests that injury is simple in nature, let the petitioner, above-named, in the event of his arrest



or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Darpa PS Case No. 94 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step



for cancellation of bail bond of the petitioner. 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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