

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4370 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Chandrika Puri S/o Hanuman Puri
 2. Bipin Puri @ Bipin Kr. Puri S/o Chandrika Puri
 3. Vinay Puri @ Vinay Kr. Puri S/o Chandrika Puri
 4. Nagendra Puri S/o Late Parsuram Puri
- All Resident of Village Kishunpur, P.S. Piprakothi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Ajay Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 02-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 341, 323, 324, 307, 379, 504/4 of the Indian Penal Code, this Court, keeping in view of the direct allegation of assault by petitioner no.1 on the head of the victim by Farsa, which has also been found to be there in the injury report by the doctor, this Court is not inclined to grant privilege of anticipator bail to the petitioner no.1 inasmuch as it is not at all impressed with the submission of learned counsel for the petitioner that the whole occurrence has taken place on account of some dispute relating to sale and purchase of the property or on the ground or that the police did not submit charge-sheet for offence under Section 307



& 379 of the Indian Penal Code. The very fact that the allegation against the petitioner no. 1 of assault by Farsa on the head of the injured gets substantiated would in fact put a question mark on the role of the police in not even submitting the charge-sheet under Section 307 of the Indian Penal Code. This Court however for the present will not go into that aspect as it is only considering the prayer for anticipatory bail of the petitioners and the petitioner no.1, in view of the nature of allegation, will not be entitled for privilege of anticipatory bail.

Accordingly, the prayer of anticipatory bail of the petitioner no.1, namely, Chandrika Puri is rejected.

The rest of the petitioners having no specific allegation of assault and there being an admitted fact that the land in question sought to be sold by the petitioner no.4 in favour of petitioner nos. 2 & 3, being sought to be purchased by the informant on the ground of his being the mortgagee, this Court would find the rest of the petitioners nos. 2, 3 & 4 have made out a case for grant of privilege of anticipatory bail.

That being so, this Court would direct that if the petitioner nos. 2, 3 & 4 namely Bipin Puri @ Bipin Kr. Puri, Vinay Puri @ Vinay Kr. Puri and Nagendra Puri surrender before the court below within a period of four weeks from today, they



shall 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 61 of 2014 (G.R. No. 2468/14), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground

of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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