

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27248 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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1. Anita Kumari Gupta W/o Kamleshwar Prasad Gupta
 2. Kamleshwar Prasad Gupta Son of Late Kedar Pd. Gupta
 3. Ajit Kumar Gupta @ Ajit Pd. Gupta Son of Hari Shankar Pd. Gupta
 4. Bireshwar Prasad Gupta Son of Late Kedar Pd. Gupta
 5. Atul Kr. Gupta @ Mintu Son of Bireshwar Pd. Gupta
 6. Rahul Kumar Gupta @ Bhajju Son of Bireshwar Prasad Gupta
 7. Brajesh Kumar Son of Mahesh Prasad All resident of village - Kasba Mehshi, Police Station - Mehshi, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-07-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 447, 448, 341, 323, 313, 379, 354, 504 and 506 of the Indian Penal Code and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act.

The prosecution case as per the written report of the informant Gita Devi is that on 14.07.2014 on the date of announcement of result of Panchayat election she was at the door of Manohar Pd. Gupta, in the meantime, the petitioners and others came in a procession, entered into the house of Manohar Pd.

Gupta and started locating Manohar Pd. Gupta for killing him and when his family members made protest then they were assaulted and the house hold articles were robbed when the informant tried to stop them then the petitioners and others assaulted and abused her by calling caste name. The accused persons also assaulted the pregnant wife of Manohar Pd. Gupta.

It is submitted by learned counsel for the petitioners that the injury report of Devshri Gupta and Shusila Devi have been brought on record by way of supplementary affidavit which suggest no external injury. There is counter version of the occurrence also as petitioner no.1 lodged Mahsi P.S. Case No. 110 of 2014 with the accusation under Sections 147, 148, 341, 323, 447, 379, 504 and 506 of the IPC and Section 3 (I) (X) of the SC/ST (Prevention of Atrocities) Act against the informant and others. It is further submitted that for making accusation more serious, Gita Devi, the informant being a scheduled caste has been set up to lodge the present case whereas alleged occurrence took place in the house of Manohar Pd. Gupta which cannot be treated as place of public view. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or

surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Motihari, East Champaran in connection with Mahesi P.S. Case No. 107 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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