

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13766 of 2016

Arising Out of PS.Case No. -186 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Anirud Raut @ Amrud Patel Son of Bharat Patel
2. Yogendra Patel @ Yogendra Raut Son of Late Nandan Patel
3. Munna Patel @ Minna Patel Son of Late Nandan Patel
4. Kashi Patel Son of Bharat Patel
5. Nandu Patel Son of Late Dewar Patel @ Deber Raut
6. Bharat Patel Son of Late Daroga Patel
7. Ayodhya Patel Son of Bharat Patel all the Resident of village Ojhatoli,
P.S.- Manuapul, District- West Champaran, Bettiah

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-06-2016 It is submitted that petitioners No.1, Anirud Raut @ Amrud Patel, 2. Yogendra Patel @ Yogendra Raut and 3. Munna Patel @ Minna Patel have been arrested. Accordingly, their prayer for anticipatory bail is dismissed as has become infructuous.

Heard both sides.

The petitioners No.4 Kashi Patel, 5. Nandu Patel, 6. Bharat Patel and 7. Ayodhya Patel apprehend their arrest in a case under Section 302 and other sections of the Indian Penal Code.

The informant filed complaint case No.707C of 2015 alleging therein that some scuffle and free fight took place

between the two sides on 01.04.2015 in which many persons including the husband of informant were injured. It is further alleged that Pravin Kumar, son of Nandu Patel, also got injuries and he died during the course of treatment.

It is submitted that Nandu Patel, petitioner No.5, filed Manuapul P.S. case No. 163 of 2015 on 01.04.2015 itself alleging that husband of informant, Hiralal, and others brutally assaulted his son, Pravin Kumar, and his other family members for playing cricket. Pravin Kumar succumbed to the injuries. It is further submitted that no specific allegation of assault is made against any of the accused persons. The present case has been filed after four days of the occurrence which was sent for registration and investigation and the case has been filed only to create defence stating that Pravin Kumar was not assaulted by the husband of informant as alleged by Nandu Patel but he accidentally got injuries in free fight between two sides.

The learned counsel for the informant as well as the learned A.P.P. vehemently opposed the prayer for anticipatory bail but it appears that the present case is filed after four days of the occurrence, no specific allegation is made and Nandu Patel filed Manuapul P.S. case No. 163 of 2015 on the date of occurrence itself making allegation against the husband of informant and

others that they brutally assaulted his son, who succumbed to his injuries.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners No. 4, 5, 6, 7, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on 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, West Champaran at Bettiah in Bettiah Mufassil (Manuapul) P.S. Case No. 186 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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