

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37160 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -GOPALPUR District- WEST CHAMPARAN (BETTIAH)

1. Sharma Patel Son of Late Raja Patel.
2. Sachidanand Patel, S/o Dhrub Patel.
3. Nitish Patel S/o Anirudh Patel
All resident of Village- Saharaswa, P.S.- Gaopulpur, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Binod Kumar Singh
For the State : Mr. Navin Kumar Pandey
For the informant : Mr. Braj Kishore Mishra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-09-2016 A supplementary affidavit has been filed on behalf of the informant, let it be kept on record.

Learned Senior Counsel appearing on behalf of the petitioners seeks permission to withdraw this application so far as it relates to petitioner no. 1, namely, Sharma Patel.

This application stands dismissed as withdrawn so far as it relates to petitioner no. 1.

Heard learned Senior Counsel for the petitioners, the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Gopalpur Police Station Case No. 44 of 2016, disclosing offences under Sections 147/148/149/341, 323/324/325/326/307/379/504 of the Indian Penal Code.

From the First Information Report, it appears that petitioner no. 3 is alleged to have assaulted one Upendra with farsa on his head, however, no injury, by sharp cutting weapon, has been found on the head of said Upendra Kumar.

Learned Senior Counsel has also submitted that petitioner no. 2 is said to have assaulted the informant on his leg and contends that no offence under Section 307 of the Indian Penal Code can be said to be made out against petitioner no. 2.

Admittedly, there is counter version of the same occurrence on the basis of which another First Information Report has been registered, being Gopalpur Police Station Case No. 45 of 2016.

Learned Counsel appearing on behalf of the informant has vehemently opposed the prayer for anticipatory bail.

However, considering the nature of allegation against petitioner nos. 2 and 3, this application is allowed.

Let the petitioner nos. 2 and 3, namely,

Sachidanand Patel and Nitish Patel, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Gopalpur Police Station Case No. 44 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---