

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4913 of 2016

Arising Out of PS.Case No. -586 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Dukhi Patel son of Late Shiv Dayal, Resident of village- Chargaha Mishra Tola, P.S.- Bettiah Mufasil, District- West Champaran
 2. Kanhaiya Patel son of Rudal Patel
 3. Pritam Patel @ Pritam Kumar son of Kanhaiya Patel Both are residents of village- Churamanpatti, P.S.- Nautan, District- West Champaran, at present Village- Chargaha Mishra Tola, P.s.- Bettiah Muffasil, District- West Champaran
 4. Birendra Patel, Son of Sri Baidyanath Patel
 5. Arvind Patel @ Arvind Kumar Son of Birendra Patel Both are residents of village- Mushari Tola, Kharsal No. 2, P.S.- Bettiah Muffasil, District- West Champaran
 6. Manoj Patel @ Manoj Raut Son of Dwarika Patel
 7. Akhilesh Patel @ Akhilesh Kumar Son of Dukhi Patel Both are residents of village- Chargaha, Mishra Tola, P.S.- Bettiah Muffasil, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta

For the Opposite Party/s : Mr. A.L. Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 427, 504 of the Indian Penal Code.

The prosecution case is that 13 F.I.R named accused persons including the petitioners and 10-15 unknown started demolishing the boundary wall and house of the informant. On protest being made the informant was assaulted

with fists and slaps and country made pistol. It is alleged that petitioner No. 2 Kanhaiya Patel ordered and subsequently assaulted with bricks on the head of the informant. The accused persons took away furniture, cash of Rs. 12,500/- and damaged the household articles worth Rs. 1,25,000/-.

It is submitted by learned counsel for the petitioners that for the occurrence of 12.10.2015 the F.I.R was registered on 18.12.2015 and one Sona Devi, wife of petitioner No. 2 lodged Complaint Case No. 2384C of 2015 on 27.08.2015 against the informant's side which came to be registered as Bettiah P.S. Case No. 534 of 2015 on 10.09.2015.

Considering the specific accusation against petitioner No. 2 and since injury report is not on record, let learned Court below consider the prayer for regular bail of the petitioner No. 2, if he surrenders within a period of six weeks in connection with Bettiah Muffasil P.S. Case No. 586 of 2015, pending in the Court of learned Chief Judicial Magistrate, West Champaran at Bettiah.

With the observations above, the application with regard to petitioner No. 2 stands disposed of.

So far as petitioner Nos. 1 and 3 to 7 are concerned, since there is omnibus and general accusation and accusation of assault is not against them, let the petitioner Nos. 1 and 3 to 7, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks

from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 586 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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