

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51552 of 2016

Arising Out of PS.Case No. -212 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Bholu Dewan
2. Saddam Dewan Both sons of Ghura Dewan Resident of Village -
Narainpur, P.S. - Ram Nagar, Distt - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.-P.-23

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioners are languishing in judicial custody since 18.10.2016 in connection with Ramnagar P. S. Case No. 212/2016 registered for the offence punishable under Sections 341, 323, 447, 385, 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution case is that on 10.09.2016 accused Khalid Anwar @ Guddu Khan demanded rupees five thousand and one bag wheat from the informant as Rangdari, otherwise the informant's father will not be allowed to run P.D.S. shop. On 11.09.2016 at 7.00 P.M. while the informant was at his door then



Khalid Anwar @ Guddu Khan along with his family members armed with lathi, fatha and Nalkatti came there and started assault and Guddu Khan fired upon the informant which misfired and ordered to finish him. Neyaz Khan snatched a gold chain from his neck and Azad Dewan and Thag Khan took out Rs. 5000/- from his pocket.

It has been submitted by the learned counsel for the petitioners that nothing has been alleged against the petitioners and at best they can be stated to be a member of unlawful assembly. It has further been submitted that in earlier six cases, lodged against them, the latest case is of year, 2012 and in all cases, the petitioners are on bail. It has further been submitted that both sides are inimical to each other and the petitioners' side have also lodged a case bearing Ram Nagar P. S. Case No. 213 of 2016 against the informant's side.

However learned counsel for the informant submits that the petitioners were accompanying with other accused persons and have criminal antecedents involved in cases of similar nature, hence opposes the prayer for bail.

Learned counsel for the State also opposes the prayer for bail.

Be that as it may, since no overt act has been alleged



against them, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Ram Nagar P.S. Case No. 212 of 2016.

This is however subject to the condition that the petitioners will file an undertaking duly supported by the personal affidavit before the Trial Court and they will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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