

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40818 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Manbodh @ Manbodh Pal, son of late Bhikham Pal
2. Lalan Pal,
3. Baban Pal
4. Nand Lal Pal
All Sons of Late Chokat Pal,
5. Ram Lakhan Pal, Son of Late Shankar Pal,
6. Ram Babu Kushwaha, @ Ram Babu Mahto, Son of Raghubir Mahto,
7. Dhurendra Pal,
8. Radhe Shyam Pal,
Both Sons of Late Khedu Pal,
9. Bhuwal Pal @ Bhual Pal, Son of Late Chirkut Pal,
10. Dhananjay Pal, Son of Bhual Pal,
11. Bimal Devi @ Vina Devi, W/o Lalan Pal,
12. Babita Devi, W/o Baban Pal,
13. Shobha Devi W/o Ram Lakhan Pal,
All R/o Village- Ghogha Mauje, P.S.- Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Gopalpur P.S.**

Case No. 061 of 2017 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 427, 380, 504 and 506 of the Indian Penal Code.

In terms of the order dated 22.09.2017 passed by a coordinate Bench of this Court, the prayer for anticipatory bail of



petitioner Nos. 1 and 5 was dismissed as having become infructuous since they have been arrested. The petitioner Nos. 11, 12 and 13 namely, Bimal Devi @ Vina Devi, Babita Devi and Shobha Devi have been granted anticipatory bail in terms of the order dated 22.09.2017.

Learned counsel for the petitioners has submitted that there is case and counter case between the parties on account of land dispute. There has been free fight from both sides in which both sides have sustained injuries. Petitioner No. 12 namely, Babita Devi has also lodged Gopalpur P.S. Case No. 60 of 2017 against the informant of this case and others. In the counter case, two persons have sustained injuries from the side of the petitioners.

In the instant case allegation against petitioner No. 2 is of assaulting the informant with iron rod. The injury report of all the injured have been enclosed as Annexure-2 series wherein the Doctor has found simple injury on the person of the injured including the informant.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 2, 3, 4, 6, 7, 8, 9 and 10 namely, Lalan Pal, Baban Pal, Nand Lal Pal, Ram Babu Kushwaha @ Ram Babu Mahto, Dhurendra Pal, Radhe Shyam Pal, Bhuwal Pal @ Bhual Pal and Dhananjay Pal, is allowed. In the event of surrender/arrest of the petitioner Nos. 2, 3, 4, 6, 7, 8, 9 and 10, named



above, within six weeks from today, in connection with **Gopalpur P.S. Case No. 61 of 2017**, they shall 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, Bettiah (West Champaran)**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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