

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11936 of 2018

Arising Out of PS. Case No.-190 Year-2017 Thana- MANIGACHI District- Darbhanga

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1. Santosh Kumar Choupal @ Santosh Choupal, S/o Mahadeo Choupal,
 2. Sahdev Choupal S/o Late Gulli Choupal,
 3. Nathuni Choupal S/o Late Ram Prasad Choupal,
 4. Ranjan Choupal S/o Sahdev Choupal,
 5. Mahadeo Choupal S/o Late Gulli Choupal, All R/o Village- Jagdishpur, P.S.- Manigachhi (Nehra O.P.), District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vinay Kumar Mishra
For the Opposite Party/s :	Mr. Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Manigachhi (Nehra O.P.) P.S. case no. 190 of 2017 instituted for the offence under Section(s) 147,148,149, 341, 323, 324, 307, 354, 379, 406, 420, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that both the parties are agnates. There is land dispute between the parties. It is further submitted that on 10.9.2017 at about 6 AM the informant and his family members assaulted the co- accused Indu Devi, Biru Choupal, Santosh Choupal, Babita Kumari and



Parvati Devi for which Indu Devi has filed a complaint case vide complaint case no. C.R. No. 1264 of 2017 before the learned CJM Darbhanga. In the instant case there is specific allegation against the petitioner no.5, namely, Mahadeo Choupal of assaulting the informant with bamboo Fatha causing head injury and against petitioner no.2, namely, Sahdeo Choupal of assaulting the informant with Tengari on his head causing cut injury on his head.

Learned APP for the State has submitted that the injury report of the informant is available in the case diary wherein the doctor has opined the injury to be simple in nature caused by hard blunt substance. Similar facts have been mentioned in the impugned order by the learned Sessions Judge. There is no allegation of overt act against the petitioner nos. 1, 3 and 4.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Manigachhi (Nehra O.P.) P.S. case no. 190 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 the learned ACJM VI th Darbhanga, 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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