

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27189 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- NAUTAN District- West Champaran

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1. Vivek Kumar @ Vivek Kumar Ram, Son of Rameshwar Ram
2. Rameshwar Ram Son of Babulal Ram
All are residents of village - Khapeda, P.S. Nautan, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 307, 323, 341,
380,447,504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report submitted by Prem Kumar to the Station House Officer,
Nautan Police Station to the effect that on 13.01.2018, the
meeting of Executive Committee was going on, in presence of
wife of the informant, Sharda Devi, being Mukhiya of Gram
Panchayat Raj Nautan, West Champaran, ward members, Gram
Sewak, wherein, the husband of Vikash Mitra, Lilawati Ranjan
was also present. During the meeting, Gram Sewak Dhruv
Narayan Kumar and Rameshwar Ram, husband of Vikash Mitra,



Lilawati Ranjan wanted to get the signature of Panchayat Mukhiya on certain papers without explaining her, however, it was protested. It was found that Vikash Mitra, Lilawati Ranjan was not present in the said meeting and on her behalf her husband petitioner no.2, Rameshwar Ram was present, which was objected by the Mukhiya and complaint in this regard was also made to the Block Development Officer, Nautan. On the same day, while the informant was sitting in his clinic at about 5.30 P.M., the petitioners along with one unknown came on a motorcycle abused the informant. It is alleged that petitioner no.1 pointed pistol on the head of the informant, whereas, petitioner no.2 assaulted him with iron rod.

It is submitted by learned counsel for the petitioners that for the occurrence of 13.01.2018, though the FIR was registered on the same day, i.e., 13.01.2018, but it reached to the Court of learned ACJM on 17.01.2018, which suggests that the FIR has been registered by antedating. The petitioners have been roped in, in the present case due to political rivalry. Moreover, no injury has been caused to the informant. At earlier point of time, petitioner no.2, lodged Chanpatia SC/ST P.S. Case No.4 of 2018, levelling accusation under sections 323, 341, 354, 379, 504, 506/34 of the Indian Penal Code and Section 3 of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the petitioners are named in the FIR.

Considering the accusation being levelled in the background of some political rivalry, the case lodged by the petitioner no.2 at earlier point of time, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Bettiah, West Champaran, in connection with Nautan P.S. Case No.16 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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