

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8994 of 2018

Arising Out of PS.Case No. -308 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Jaichandra Prasad, S/o Late Narsingh Sah,
2. Raju Kuamr, S/o Subash Chandra Prasad,
3. Subodh Kumar @ Panda Prasad, S/o Subash Chandra Prasad,
4. Subash Chandra Prasad, S/o Late Narsingh Sah @ Narsingh Prasad,
5. Chunchun Kumar @ Chunmun Kumar, S/o Subash Chandra Prasad,
6. Sunil Kumar Jaiswal @ Mantu Kumar @ Mantu Prasad, S/o Subash Chandra Prasad,

All R/o Village- Dakshin Chhapra Bahas, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.
For the informant. : Mr. Anish Kumar, Advocate.
For the State : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-05-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in **Sugauli P.S.**
Case No. 308 of 2017 (G.R. No. 5890 of 2017) instituted for the
offence under Sections 341, 323, 324, 354-B, 307, 380, 427, 364
and 366/34 of the Indian Penal Code.

In the Complaint case which was sent to Police
Station under Section 156(3) Cr. P.C., it is alleged that petitioner
No. 4 assaulted father of the informant with iron rod on his head,



on account of which, he became unconscious. It is further alleged that co-accused Panda Prasad assaulted the brother of the informant. Jai Chandra Prasad (petitioner No. 4) misbehaved with mother of the informant. Chunmun Kumar (petitioner No. 5) assaulted the informant with *lathi* which hit on his back. The accused persons took the father of the informant on Bolero car.

Learned counsel for the informant has appeared and submitted that father of the informant is still traceless. He has pointed out paragraph 28 of the case diary which is supervision note of the police wherein it is mentioned that father of the informant was taken to hospital for treatment and he is traceless from the Hospital.

There is no mention about the injury of the father of the informant in the case diary. In supervision note it is mentioned that there is land dispute between the parties. The injury report has not been produced on behalf of the informant with regard to injury of his father.

Learned counsel for the petitioner has submitted that occurrence is said to have taken place on 28.08.2017 and complaint case has been lodged on 12.09.2017 i.e. after delay of 15 days. There is apparently land dispute between the parties.

Considering the facts and circumstances of the case,



prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Sugauli P.S. Case No. 308 of 2017 (G.R. Case No. 5890 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, Motihari (East 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond 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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