

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12139 of 2018

Arising Out of PS. Case No.-309 Year-2017 Thana- CHANPATIA District- West Champaran

1. Anil Patel
2. Munni Patel
3. Shanti Devi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. SRI SANJAY KUMAR TIWARY 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,342,323,324,354(B) and 379/34 of the IPC.

The prosecution case as per the written report of Sita Devi dated 25.8.2017 is to the effect that on 22.8.2017 at 8 P.M. the petitioner no. 1 Anil Patel misbehaved with the daughter the of the informant, as a result he was being assaulted. In retaliation to the same, on 23.8.2017 at 12 hours the accused persons caught hold of the daughter of the informant namely, Sunaina Devi and tied her. Thereafter, petitioner no. 1 Anil Patel, petitioner no. 2 Munni Patel, co-accused Ravindra Patel, Satyendra Patel and petitioner no. 3 Shanti Devi started



assaulting. On hearing the should of cries, the informant reached on the spot then the accused persons also assaulted her. Petitioner no. 2 assaulted with Garasa on the right hand causing a cut injury to the informant. Thereafter, Ravindra Patel assaulted the informant and others also made assault and nose pin was snatched by petitioner no. 3 Shanti Devi. Birendra Patel snatched silver anklet worth Rupees Thirty Thousand whereas ear ring worth Rupees Ten Thousand was snatched by Ravindra Patel.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of some dispute between the parties from before. The informant has received only two injuries, which have been found to be simple caused by hard and blunt substance. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. It is further submitted that for the occurrence of 23.8.2017 the FIR was registered on 25.8.2017.

Learned APP submits that accusation of assault has been levelled against the petitioners.

Considering the fact that the accusation is not being corroborated by the medical opinion, coupled with the delayed lodging of the FIR, let the petitioners above named be released



on anticipatory bail in the event of arrest or surrender within 12 weeks 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-V, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya OP) P.S. Case No.309 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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