

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69205 of 2018

Arising Out of PS. Case No.-135 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Bijli Chaupal @ Khatve, Son of Ramotar Chaupal, Resident of Ward No.13, Samaila, Bargaon, P.S.-Kuseshwar Asthan, Distt.-Darbhanga.
 2. Sahdeo Chaupal @ Khatve, Son of Kallar Khatave, Resident of Ward No.13, Samaila, Bargaon, P.S.-Kuseshwar Asthan, Distt.-Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shama Sinha, Advocate.
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-11-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 1 Bijli Chaupal @ Khatve as he has already been taken into judicial custody in connection with Kusheshwar Asthan P.S. Case No. 135 of 2018, pending in the court of learned Judicial Magistrate, Biraul.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 1 Bijli Chaupal @ Khatve is dismissed as withdrawn.



Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

The petitioner no. 2 is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 379, 427, 307, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 26.05.2018 at 6.30 A.M. when the informant returned from natural call and reached near his *Darwaja*, co-accused Bijli Chaupal @ Khatve and Ram Sagar Chaupal armed with *Farsa*, petitioner Sahdeo Chaupal armed with *rod* and others armed with *Lathi* surrounded him and said that his brother and father have restrained by giving petition to the S. D. M. Biraul and also asked to call his brother and father otherwise they will kill him. He tried to flee away upon which co-accused Sitaram Ram ordered to kill and then co-accused Bijli Chaupal caused hurt with *Farsa* on his head and thereafter, his *Bhabhi*, father and brother came there upon which co-accused Ram Sagar Chaupal caused hurt with *Farsa* on the head of his father and petitioner Sahdeo Chaupal caused hurt with rod to Pawan Devi, *Bhabhi* of the informant. Co-accused Ram Pukar Chaupal and Shrawan Chaupal caused hurt with *Lathi* to the informant, his father and *Bhabhi*. The foot of his *Bhabhi* became fractured. Thereafter, his



brothers Santosh and Balak also came there who were also caused hurt. It is also alleged that co-accused Shiv Kumar Sah committed theft of gold chain from the neck of his *Bhabhi* and damaged the house and also caused injury to the cow.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. It is case and counter case between the parties. Free fight is alleged to have taken place between the parties due to land dispute. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2 above named (except petitioner no. 1 Bijli Chaupal @ Khatve), in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Biraul, in connection with Kusheshwar Asthan P.S. Case No.



135 of 2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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