

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73827 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- MAJHAULIA District- West Champaran

1. Pradhuman Kumar Son of Prahlad Mahto
2. Dheeraj Kumar @ Dheeraj Patel Son of Saral Patel
3. Punam Devi wife of Saral Patel
4. Rupesh Kumar @ Rupesh Patel Son of Sudhi Raut
5. Satrugan Mahto Son of Prahlad Mahto
6. Satendra Kumar Son of Prahlad Mahto
7. Pradeep Kumar @ Pradeep Patel Son Khedu Patel
8. Deepak Kumar @ Deepak Patel Son of Raju Patel
9. Sarita Devi Wife of Pramod Patel
10. Junil Kumar @ Sunil Patel Son of Bhola Patel
11. Rambha Devi wife of Raju Patel
12. Binod Prasad @ Binod Patel Son of Bachha Raut
13. Jai Prakash Kumar @ Niku Patel Son of Binod Patel
14. Shashi Kumar @ Shashi Patel Son of Bhola Patel All are
Resident of Village-Gurchurwa, Police Station-Majhauriya, Distt.-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Sri Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Learned counsel appearing on behalf of the petitioners
submits that the petitioner no.1 has been arrested during the
pendency of the application.

In that view of the matter, the application for grant of
anticipatory bail on behalf of the petitioner No.1 has become
infructuous.



The petitioners are apprehending their arrest in connection with Majhauriya P.S. Case No. 78 of 2018 for the offence under Sections 147, 148, 149, 323, 324, 307, 506 and 379 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that allegation of assault against petitioner No. 6 Satendra Kumar, petitioner No.13 Jai Prakash Kumar @ Niku Patel and petitioner No.11 Rambha Devi. He further submits that there is allegation of showing Katta against petitioner No. 12 but there is no allegation of firing against him. There is no allegation of any assault against rest of the petitioners.

Considering the totality of the facts and circumstances of the case, the Court is not inclined to grant anticipatory bail to the petitioners No. 6 and 13 against them there is specific allegation of assault. Accordingly, application for grant of anticipatory bail is hereby dismissed. However, the dismissal of the anticipatory bail application will not cause prejudice to the petitioners No. 6 and 13 and in the event, the petitioners No. 6 and 13 surrender before the Court below and prays for regular bail, the Court below is hereby directed to dispose of the application for regular bail of the petitioners No. 6 and 13 on the same day in accordance with law without being influenced by



dismissal of this application.

Allegation of assault also attributed against the petitioner No.11 Rambha Devi, but she is a lady. Considering the aforesaid fact, the court is inclined to grant privilege of anticipatory bail to the petitioner No.11 Rambha Devi and also petitioner No.12 Binod Prasad @ Binod Patel there is only allegation he has shown Katta. Remaining petitioners No. 2, 3, 4, 5, 7, 8, 9, 10 and 14 also deserve anticipatory bail as against them there is no allegation of overt act, let in the event of arrest or surrender within one month from today, petitioners No. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 14 be released on 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 Court of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauiliya P.S. Case No. 78 of 2018, subject to the conditions as laid down under Section 438 Cr.P.C.

(Anil Kumar Upadhyay, J)

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