

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19904 of 2018

Arising Out of PS.Case No. -348 Year- 2017 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Shobha Devi @ Sunita Devi, W/o Paltu Pandit @ Paltu Pandit,
 2. Paltu Pandit @ Paltu Padit, S/o Late Chanar Pandit,
 3. Jhojha Pandit @ Jhorha Pandit, S/o Late Chanar Pandit, All resident of Village- Purandarpur, P.S.- Nautan, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioners and

learned APP the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 308, 427, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Most. Etwariya Devi submitted to the Station House Officer of Nautan P.S. is to the effect that the informant was surviving by erecting a hut on the pavement of the road, but on the same place the accused persons also made their hutment and on



protest being made they assaulted the informant.

It is submitted by learned counsel for the petitioners that a dispute with regard to occupying the public place the accusation has been levelled. The injury has been found to be simple. However, learned Sessions Judge has committed error of record that the petitioners were on police bail but, in fact, the petitioners were only noticed under Section 41A of the Code of Criminal Procedure, statement to that effect has been made in paragraphs 9 and 10 of the petition. A statement has also been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation is specific against the petitioners.

Considering the nature of accusation in the background of erecting hutment on the public road, injury being found to be simple in nature and a statement being made in paragraph 3 of the petition that the petitioners having no 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 348 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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