

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47676 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Dhananjay Patel, Son of Braj Mohan Patel,
2. Manju Devi, Wife of Brijesh Patel,
3. Sevak Patel, Son of Late Baldeo Patel, All are resident of Village- Murali
Kharkatwa, Police Station- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 30-08-2018 Heard learned counsel for the petitioners, the
informant as well as the State.

The petitioners apprehend their arrest in Shikarpur
P.S. Case No. 137/2018, instituted for the offences punishable
under Sections 341, 323, 324, 307, 427, 379 and 34 of the Indian
Penal Code.

It is alleged in the written report that petitioner no. 1
assaulted informant with *Farsa* on the head. There is general and
omnibus allegation against petitioner nos. 2 and 3. Injury report of
informant has been annexed as Annexure-4 series to the bail
petition wherein the doctor has found one injury on the person of
informant of size 2.5"x1/2x1/2" caused by hard and blunt



substance. It is further submitted that there is land dispute between the parties. Co-accused Brijesh Patel has also filed a police case against the informant and others vide Shikarpur P.S. Case No. 168/2018. It is further submitted that for the same date of occurrence, a case has also been filed by wife of accused Brijesh Patel, namely, Manju Devi as Complaint Case No. 783/2018.

Learned counsel for the informant has submitted that regular bail of one of the co-accused, namely, Brijesh Patel has been rejected by a Co-ordinate Bench of this Court.

This Court finds that there is case and counter case between the parties for land dispute. Doctor has found only one injury on the person of injured.

In such circumstances, the 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 Shikarpur P.S. Case No. 137/2018, 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 the learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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