

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9528 of 2019

Arising Out of PS. Case No.-374 Year-2018 Thana- KESARIA District- East Champaran

1. Binod Kumar @ Binod Patel, S/O Prabhu Ray, Resident of Village - Kesariya Chainpur, P.S.- Kesaria, Distt.- East Champaran.
2. Manoj Patel, S/O Prabhu Ray, Resident of Village - Kesariya Chainpur, P.S.- Kesaria, Distt.- East Champaran.
3. Saraswati Devi, Wife of Ashok Patel, Resident of Village - Kesariya Chainpur, P.S.- Kesaria, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 17-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kesariya P.S. Case No. 374 of 2018, registered under Sections 147, 148, 149, 341, 323, 324, 307, 353, 379, 504 and 506 of the Indian Penal Code.

The accusation is that informant being the Assistant Sub-Inspector of Kesariya Police Station received information from Anita Devi about demolishing her house in the village Keshariya Chanpur. On such information, informant and other police officials reached at village Keshariya Chainpur then



Prabhu Rai took the informant at Varamdah to show the disputed land. In the meantime, he entered in the house then Sonu Patel, Ashok Patel, Manoj Patel (petitioner no.2), Binod Patel (petitioner no.1), Lalan Rai, Chedi Rai, Sarswati Devi (petitioner no.3), Kalawati Devi and Prabhu Rai along with 10 to 15 unknown forming unlawful assembly started to abuse and cause assault through stick. While informant tried to flee away but Sonu Patel assaulted through knife causing injury near his left eye. Thereafter, Ashok Patel and Manoj Patel (petitioner no.2) started to press his neck by folding *Gamcha*. At that time, Binod Patel (petitioner no.1) tried to press his neck. In the meantime, Prabhu Rai, Sarswati Devi (petitioner no.3), Kalawati Devi and Lalan Rai also assaulted him through lathi and iron rod.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that due to land dispute occurrence took place in between two parties and at that time, petitioner being the police official reached there but in that course, informant sustained injury.

On the other hand, learned A.P.P. appearing for the State vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, let the petitioner no. 3, Saraswati Devi, be released on bail, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XI, East Champaran at Motihari, in connection with Kesaria P.S. Case No. 374 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 1 and 2, namely, Binod Kumar @ Binod Patel and Manoj Patel are concerned, having considered the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to petitioner nos. 1 and 2. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1 and 2 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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