

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26588 of 2019**

Arising Out of PS. Case No.-143 Year-2018 Thana- GOPALPUR District- West Champaran

1. Wosi Gaddi S/o Imam Gaddi Resident of Village- Dakahi, P.S.- Gopalpur, District- West Champaran.
2. Baban Gaddi S/o Late Mangal Gaddi Resident of Village- Dakahi, P.S.- Gopalpur, District- West Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Aditya Nath Jha
For the Opposite Party/s :	Mr. Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 29-04-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw this application on behalf of petitioner no.2 as he
has already been arrested.

Permission is granted.

Accordingly, this application on behalf of petitioner
no.2 is dismissed as withdrawn.

The petitioner no.1 apprehends his arrest in a case
registered for the offences punishable under Section 341, 323,
324 and 384/34 of the Indian Penal Code.



Petitioner along with other accused persons descended at the door of the informant armed with weapons and blamed the informant for not allowing construction of house by them. Naseem Alam and Washi Gaddi assaulted on his head by means of rod and demanded Rs.50,000/-.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. Petitioner happens to be next door neighbour. No injury report has been brought on record. There is dispute over construction of house between the parties. Informant and his father is in habit of lodging the case against the petitioner with ulterior motive to harass him and in the said bid his father had filed a case against him bearing Gopalpur P.S. Case No.50 of 2016 under Section 323 and 341 IPC. Barring the aforesaid case there is no criminal case pending against the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



C.J.M., Bettiah, West Champaran in connection with Gopalpur
P.S. Case No. 143 of 2018, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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