

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31172 of 2019

Arising Out of PS. Case No.-716 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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1. Vikash Patel, Son of Ramchandra Patel.
 2. Binod Gond ,Son of Dhyan Sah,
Both are residents of Village- Kishunbagh, P.S.- Bettiah Town, District-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Bettiah Town P.S. Case No.716 of 2018,
registered for the offence punishable under Sections 147, 148,
149, 188, 153 (A), 153 (B), 332, 337, 338, 353, 307, 295A of
the Indian Penal Code.

As per the FIR, on 15.08.2018 when the informant
got an information that at the time of procession of Mahabiri
Akhara, persons of minority community have started brick
batting, he along with other police personnel came there and



tried to maintain the law and order, but the persons of both community started brick-batting upon each other, on that account, two police personnel also received injuries and properties of nearby too damaged and some persons from the procession were making slogan.

Learned counsel for the petitioners submits that there is general and omnibus allegation against the petitioners and they are only members of mob. Against the petitioner no.2, there is no criminal antecedent and against the petitioner no.1, one Bettiah Town P.S. Case No.717 of 2018 is standing and this case is also arising out from the same incident. Learned counsel for the petitioners submits that they were not aggressor, but the other sides were aggressors.

Looking to the entire facts and circumstances of the case, let the petitioner no.2, above-named, be released on **anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No.716 of 2018, subject to the condition as laid down under Section



438(2) of the Code of Criminal Procedure with a further condition that if the petitioner, after his release in this case, is again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of his bail bonds. Further condition is that whenever the police will call the petitioner for the purposes of investigation and interrogation, he will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

So far as petitioner no.1 is concerned, let him be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No.716 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that if the petitioner, after his release in this case, is again found involved in similar nature of cases then the concerned court would be at liberty to take steps



for cancellation of his bail bonds. Further condition is that whenever the police will call the petitioner for the purposes of investigation and interrogation, he will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

This Court directs the court below to verify as to whether Bettiah Town P.S. Case No.717 of 2018 is arising out from the same incident or not. If, it is found the same incident, in that circumstances, provisional bail of the petitioner no. 1 will be confirmed. If, it is found another incident, in that circumstances, his bail bond will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/-

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