

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40123 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- PIPRA District- East Champaran

1. Kundan Kumar, Aged about 28 years, Male, Son of Late Bharat Bhagat, Resident of Village Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
2. Triloki Bhagat, Aged about 26 years, Male, Son of Late Jagu Bhagat Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
3. Raj Kumar Bhagat, Aged about 26 years, Male, Son of Bhim Singh Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
4. Lawkush Kumar, Aged about 21 years, Male, Son of Ram Janam Bhagat Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
5. Chandan Kumar, Aged about 26 years, Male, Son of Ram Ekbal Bhagat Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
6. Kundan Kumar Kushwaha @ Kundan Kumar, Aged about 24 years, Male, Son of Ram Ekbal Bhagat Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
7. Amir Bhagat @ Amira Bhagat, Aged about 26 years, Male, Son of Late Jagu Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
8. Suraj Kumar, Aged about 21 years, Male, Son of Late Bharat Prasad Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
9. Niraj Kumar Bhagat @ Niraj Kumar, Aged about 25 years, Male, Son of Bhim Singh Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
10. Mithilesh Kumar Bhagat @ Mithilesh Kumar, Aged about 18 years, Male, Son of Parmanand Bhagat @ Parmanand Prasad, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
11. Arvind Kumar Bhagat @ Arvind Kumar, Aged about 15 years, Male, Son of Parmanand Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
12. Umesh Prasad @ Umesh Bhagat, Aged about 25 years, Male, Son of Jagadhish Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
13. Vinay Prasad, Aged about 25 years, Male, Son of Babulal Prasad, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
14. Jitendra Bhagat @ Jitendra Prasad, Aged about 21 years, Male, Son of Bhola Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari



15. Ravi Kumar @ Ravi Prasad Kushwaha, Aged about 25 years, Male, Son of Laxmi Narayan Pd., Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
16. Nitesh Kumar @ Netesh Prasad, Aged about 21 years, Male, Son of Binda Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari
17. Vijay Kumar Bhagat @ Vijay Kumar, Aged about 25 years, Male, Son of Ramautar Bhagat, Resident of Village - Bishunpura, P.S.- Pipara, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2019 Heard both sides.

Petitioners apprehend their arrest in Pipara P.S. Case No.88 of 2019, registered under Sections 341, 147, 148, 323, 324, 325, 379, 427, 307, 504 and 506 of the Indian Penal Code.

The informant alleged that while he along with his family members was taking tea on his *darwaza*, all the 17 accused persons having armed with different weapons came and they were searching Sunil Kumar Choubey, the younger brother of the informant. Kundan Kumar and Raj Kumar Bhagat made murderous attempt on Sunil Kumar Choubey but he fled inside the house. Kundan Kumar also assaulted the informant with iron rod causing fracture injury on his right leg. Lawkush Kumar



fled away with Laptop of the informant and the accused persons damaged the four wheeler and two wheelers parked at the *darwaza* of the informant.

Learned counsel for the petitioners submits that there is a counter version being Pipra P.S. Case No.86 of 2019, registered on the *fardbeyan* of Bimlesh Kumar. It is submitted that there is no specific allegation against petitioner no.2 and petitioner nos.4 to 17. Only Kundan Kumar, petitioner no.1, Son of Bharat Bhagat and Raj Kumar Bhagat, petitioner no.3 are alleged to have assaulted Sunil Kumar Choubey and Kundan Kumar, Son of Late Bharat Bhagat is also alleged to have assaulted the informant on his leg causing fracture injury. There is no allegation of assault against any other accused persons. It is submitted that the injury is not on record.

Taking into consideration the facts that only allegation of assault is made against Kundan Kumar, petitioner no.1 and Raj Kumar Bhagat, petitioner no.3 and the informant got fracture injury on his leg and the fact that they are also alleged to have assaulted Sunil Kumar Choubey, the brother of the informant, I am not inclined to enlarge petitioner nos. 1 and 3, namely, Kundan Kumar and Raj Kumar Bhagat respectively on anticipatory bail. Accordingly, the prayer for anticipatory bail of



Kundan Kumar, petitioner no.1 and Raj Kumar Bhagat, petitioner no.3 is rejected.

So far as the case of petitioner no.2 and petitioner nos.4 to 17 is concerned, there is no specific allegation against them. They are mere members of the mob and there is a counter version also.

Taking into consideration the facts aforesaid, petitioner no.2 and petitioner nos.4 to 17, named above, are directed to be enlarged on bail in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order 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 C.J.M., Motihari in connection with Pipara P.S. Case No.88 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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