

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50084 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- BAIRIYA District- West Champaran

1. Bhannu Patel, aged aqbout 45 years, Male, Son of Late Paras Patel
2. Triloki Kumar @ Tirloki Patel @ Budhan Patel @ Triloki, aged about 18 years, Male, Son of Bhannu Patel
Both resident of Village-Bargachhiya, P.S.-Bairiya, Dist.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-08-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341 323, 324, 307 and 379/34 of the Indian Penal Code registered in connection with Bairiya P.S. Case No. 129 of 2019.

3. It is submitted that the petitioners have been falsely implicated and in any event, petitioner no. 1 is merely said to be order giver and no accusation of assault has been attributed to him and the injury sustained by Vishal Kumar Pandey attributed to the petitioner no. 2 who is said to have assaulted him with Dab on his head is not supported by the injury report which discloses grievous injury caused by hard and blunt substance. The petitioners claim clean antecedents.

4. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to petitioner no. 2, namely, Triloki Kumar @ Tirloki Patel @ Budhan Patel @ Triloki. His anticipatory bail petition stands dismissed.



5. As regards petitioner no. 1, namely, Bhannu Patel, in the event of his arrest or surrender before the court below within six weeks from the date of communication of this order, let him be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 129 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner no. 1.

(ii) That petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioner no. 1 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That petitioner no. 1 shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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