

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72730 of 2019

Arising Out of PS. Case No.-714 Year-2015 Thana- KHAGARIA District- Khagaria

1. RAVINDRA @ BUTAN Son of Bino Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.
2. Shambhu Kumar Son of Bino Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.
3. Ranjan Kumar Patel Son of Late Anandi Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.
4. Arbind Patel Son of Late Anandi Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.
5. Sanjay Patel Son of Late Anandi Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.
6. Jyotish Patel Son of Ramdeo Patel Resident of Village - Dhunima, P.S.- Khagaria (Muffasil), Distt - Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Khagaria (Muffasil) P.S. Case No. 714/2015, G.R. No. 2646/2015 registered under Sections 341, 323, 324, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that except petitioner no. 1 namely Ravindra @ Butan, there is no specific allegation of assault against these petitioners, however



petitioners have no criminal antecedent.

Learned counsel for the informant has opposed the prayer for anticipatory bail has submitted that the specific allegation of giving Garasa blow on the head of the injured Pandav Kumar is against petitioner no. 1.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that against these petitioners except petitioner no. 1 Ravindra @ Butan there is no specific allegation of assault and learned counsel for the informant who has opposed the prayer for anticipatory bail has also submitted that the specific allegation of giving Garasa blow on the head of the injured Pandav Kumar is against petitioner no. 1 alone and there are general and omnibus allegations with regard to causing injury to the informant, both the parties are said to be the neighbours and have indulged in quarrel on cutting of a tree, let the above-named petitioners except petitioner no. 1, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria, in connection with



Khagaria (Muffasil) P.S. Case No. 714/2015, G.R. No. 2646/2015, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as petitioner no. 1 is concerned, since the injured has specifically named him and attributed his injury to petitioner no. 1, this court is not inclined to grant privilege of anticipatory bail to petitioner no. 1.

Prayer for anticipatory bail of the petitioner no.1 is refused.

In case, petitioner no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered by the



court below independently on the basis of the materials available on the record without being prejudiced by the orders of this court.

(Rajeev Ranjan Prasad, J)

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