

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73882 of 2019

Arising Out of PS. Case No.-833 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Ramakant Ram, Son of Baharan Ram Resident of Village - Hathuahwa, P.S.- Bhitaha, District - West Champaran
 2. Baharan Ram, Son of Late Deoraeet Ram Resident of Village - Hathuahwa, P.S.- Bhitaha, District - West Champaran
 3. Heera Ram, Son of Late Deoraeet Ram Resident of Village - Hathuahwa, P.S.- Bhitaha, District - West Champaran
 4. Upendra Ram, Son of Jawahir Ram Resident of Village - Hathuahwa, P.S.- Bhitaha, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohan Ram, Son of Late Bhagali Ram Resident of Village - Hathuahwa, P.S.- Bhitaha, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Complaint Case No.833 of 2018, registered for the offences punishable under Sections 147, 341, 323, 447, 452, 380, 504, 506/34 of the Indian Penal Code in which cognizance has been taken against the petitioners under Sections 341, 323, 457 and 380 of the Indian Penal Code.

The allegation against the petitioners as per the complaint is that on the alleged date and time of occurrence, i.e.,



20.08.2018, while the complainant was on his door, in the meantime, two accused persons including the petitioners made unlawful assembly and started abusing and assaulting the complainant and when other family members of the complainant came to save him, the petitioners along with other accused persons started assaulting them also. It has further been alleged that the petitioners and other accused persons entered into the house of the complainant and assaulted them and took away domestic utensil worth Rs.5,000/- and other articles including the Mangalsutra of the wife of the complainant and ornaments worth Rs.20,000/- including the mobile worth Rs.10,000/-.

Mr. Ravi Shanker Sahay, learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case as a counter blast to the case lodged by petitioner No.3 inasmuch as petitioner No.3 has lodged an FIR bearing Bhitaha P.S. Case No.6 of 2018 dated 22.08.2018 against the complainant and others for an occurrence which has taken place on 22.8.2018 in which petitioner No.3 along with other persons were assaulted by the complainant and others. Learned counsel further submits that after lodging of the First Information Report, the present complaint has been lodged on 30.08.2018 for alleged occurrence which has allegedly been



taken place on 20.08.2018 against the petitioner No.3 and others. Learned counsel further submits that both the parties are co-villagers and there is case and counter case between them.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-villagers, there is case and counter case and the case lodged by the side of the petitioners is prior in time and the present complaint has been lodged after a considerable delay, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Bagaha, in connection with Complaint Case No.833 of 2018 (Tr. No.3261 of 2019), subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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