

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79910 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- LAURIA District- West Champaran

1. SURESH KUSHWAHA S/o Late Vidya Mahto R/o village- Dumara Bhath, P.S.- Lauriya, District- West Champaran
2. Jay Kishore Kushwaha S/o Suresh Kushwaha R/o village- Dumara Bhath, P.S.- Lauriya, District- West Champaran
3. Prabhu Kushwaha @ Prabhu Mahto S/o Late Kashi Kushwaha @ Kashee Mahato R/o village- Dumara Bhath, P.S.- Lauriya, District- West Champaran
4. Fula Devi W/o Suresh Kushwaha R/o village- Dumara Bhath, P.S.- Lauriya, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to make necessary correction in paragraph 1 of the petition in course of the day.

The petitioners are seeking anticipatory bail in connection with Lauriya P.S. Case No. 115/2019 registered under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the parties are co-villagers, they are next door neighbours and



with regard to the alleged occurrence which took place on 22.05.2019, the First Information Report has been lodged on 17.06.2019, however, petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that both the parties are co-villagers, they are next door neighbours and with regard to the alleged occurrence which allegedly took place on 22.05.2019, the F.I.R. has been lodged only on 17.06.2019, whereas the petitioner no. 1 had lodged one F.I.R. on 26.05.2019 itself giving a different version of the story, it was registered as Lauriya P.S. Case No. 112/2019 on 14.06.2019. There are two simple injuries on the body of the informant only and no other person had injured as alleged and further that both the parties have entered into a settlement and being member they wanted to live peacefully at this stage and they have filed a petition to this effect in the court of learned Additional Chief Judicial Magistrate – 1st, Bettiah, West Champaran, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners 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 A.C.J.M. - 1st, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 115/2019, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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