

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7021 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- CHANPATIA District- West Champaran

1. Gali Dewan @ Galu Dewan, Son of Late Enul Dewan Resident of Village - Jiudha Tola, P.S.- Chanpatia, Distt - West Champaran.
2. Lalu Dewan Son of Late Enul Dewan Resident of Village - Jiudha Tola, P.S.- Chanpatia, Distt - West Champaran.
3. Ravi Dewan, Son of Lalu Devan, Resident of Village - Jiudha Tola, P.S.- Chanpatia, Distt - West Champaran.
4. Masoom Dewan @ Masoom @ Hasruddin, Son of Usman Dewan, Resident of Village - Jiudha Tola, P.S.- Chanpatia, Distt - West Champaran.
5. Rambali Shah, Son of Dukhi Sah, Resident of Village - Jiudha Tola, P.S.- Chanpatia, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Chanpatia P.S. Case No. 114 of 2019 for the offence under Sections 341, 323, 307, 354, 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners and the informant are agnates and on account of dispute over cutting of bamboo, the occurrence took place, in which injury were sustained, leading to filing of the present



case. He further submits that the allegation of assault is against Mumtaj Dewan. He further submits that so far as petitioner no.2, namely, Lalu Dewan, is concerned, the police after investigation submitted Final Form and he was not sent up for trial. He also submits that there is no specific overt act against petitioner nos. 1, 3 and 4.

Allegation against petitioner no.5 is that he tore the cloth of the informant.

Considering the fact that the police submitted final form against petitioner no.2 and the fact that there is no specific overt act against petitioner nos. 1, 3 and 4, the petitioner nos. 1, 2, 3 and 4, named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 114 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as grant of anticipatory bail of petitioner no. 5, namely, Rambali Shah, is concerned, his prayer for grant of



anticipatory bail is rejected. However, he may surrender before the court below within a period of one month from today and prays for regular bail, which would be considered and disposed of by the court below on the same day without being prejudiced by the order of this Court.

(Anil Kumar Upadhyay, J)

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