

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 5862 of 2020**

Arising Out of PS. Case No.-355 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. PRAMANAND TIWARY Son of Late Rajendra Tiwari Resident of Village - Barwabrit, P.S.- Kuchaikote, Distt - Gopalganj.
2. Harendra Patel @ Harendra Prasad Son of Late Kedar Patel Resident of Village - Barwabrit, P.S.- Kuchaikote, Distt - Gopalganj.
3. Jwala Patel Son of Harendra Patel Resident of Village - Barwabrit, P.S.- Kuchaikote, Distt - Gopalganj.
4. Birendra Yadav Son of Late Jagat Yadav Resident of Village - Baniyadi, P.S.- Tareya Sujan, Distt - Kushinagar (U.P.)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-06-2020 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Kuchaikote P.S. Case No. 355 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 354, 379, 427, 504 and 506/34 of the Indian Penal Code, pending in the court of learned Additional Chief Judicial Magistrate – VII, Gopalganj.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, there is



land dispute between the parties as they are co-villagers. Learned counsel further submits that there are general and omnibus kind of allegations against petitioner nos. 3 & 4.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the First Information Report that there are specific allegations of assault against petitioner nos. 1 & 2 and those allegations find support from the injury report enclosed as Annexure '3' to the present application, I am not inclined to grant privilege of anticipatory bail to petitioner nos. 1 & 2.

Prayer for anticipatory bail of petitioner nos. 1 & 2 is, thus, refused.

In case, petitioner nos. 1 & 2 surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the orders of this Court.

So far as allegations against petitioner nos. 3 & 4 are concerned, learned counsel for the informant accepts



that there are general and omnibus kind of allegations against petitioner nos. 3 & 4.

Learned A.P.P. for the State also endorsed the statement of learned counsel for the informant.

Considering this aspect of the matter, this court is inclined to grant privilege of anticipatory bail to petitioner nos. 3 & 4, let the petitioner nos. 3 & 4 above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Kuchaikote P.S. Case No. 355 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VII, Gopalganj, subject to the conditions 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.

This application is partly allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

