

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8021 of 2020

Arising Out of PS. Case No.-333 Year-2019 Thana- CHANPATIA District- West Champaran

1. SANTRESH SHUKLA S/o Prabhunath Shukla R/o village- Rampurwa, P.S.- Chanpatiya, District- West Champaran
2. Golu Shukla @ Nikhil Shukla S/o Mukund Shukla R/o village- Rampurwa, P.S.- Chanpatiya, District- West Champaran
3. Mukund Shukla @ Mukund Kumar Shukla S/o Late Umashankar Shukla R/o village- Rampurwa, P.S.- Chanpatiya, District- West Champaran
4. Ritik Shukla S/o Amalesh Shukla @ Awdhesh Shukla R/o village- Rampurwa, P.S.- Chanpatiya, District- West Champaran
5. Amalesh Shukla @ Amalesh Kumar Shukla S/o Late Shiv Shankar Shukla R/o village- Rampurwa, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, considering the allegation levelled against the petitioner no.1 (Santresh Shukla), the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1. Accordingly, the present petition stands dismissed as not pressed qua the petitioner no.1.



Heard the learned counsel for the petitioners and Shri Ashok Kumar Singh, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 333 of 2019, for the offence punishable under Sections 307, 379 and other allied sections of the Indian Penal Code.

The allegation is regarding some quarrel having taken place in between the parties on account of the two accused persons having come to the house of the informant and having sat on the motorcycle of the informant, whereafter, the accused persons had manhandled the informant and assaulted him. It has been alleged that the petitioner no.1 had assaulted the informant by lathi, causing injury on his right forearm which, in the injury report of the Doctor, has been found to be grievous in nature. The petitioner no.2 is stated to have assaulted the informant by fists and *Barchhi*, the petitioner no.3 has been alleged to have assaulted the informant by lathi and the petitioner no.4 has been alleged to have assaulted the father of the informant by lathi. As far as the petitioner no.5 is concerned, he is stated to be the order giver.

The learned counsel for the petitioners has



submitted that the petitioners no. 2 to 5 are innocent, have been falsely implicated in the present case and are having no criminal antecedent. It is further submitted that the injury report would bear it out that the injury which is attributable to the assault by lathi by petitioner no.1 has been found to be grievous whereas the other injuries have been found to be simple in nature. It is further submitted that the present case arises out of the case and counter case inasmuch as the petitioner no.5 had lodged an FIR bearing Chanpatiya (Kumarbag O.P.) P.S. Case No. 334 of 2019 dated 14.10.2019, whereas the present case has been numbered/ registered as Chanpatiya (Kumarbag O.P.) P.S. Case No. 333 of 2019, which is also of the same day. In the case filed by the petitioner no.5, the informant of the present case is also an accused and is stated to have assaulted the accused persons of the present case. It is thus submitted that at best the petitioner no.1 can be stated to be having some complicity in the matter, however, rest of the petitioners are innocent and have been falsely implicated in the present case.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the grievous injury, inflicted on the person of the informant is attributable to the petitioner no.1 and rest of the injuries have been found to be simple in nature by the doctor as also the present case arises out of the case and counter case, I deem it fit and proper to admit the petitioners No. 2 to 5 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners No. 2 to 5, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sadar, Betiah, West Champaran in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 333 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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