

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10185 of 2020**

Arising Out of PS. Case No.-195 Year-2019 Thana- BAIRIYA District- West Champaran

1. Munna Prasad, Son of Late Rajmangal Prasad,
2. Pramod Prasad, Son of Late Rajmangal Prasad,
3. Sikandra Prasad, Son of Nand Kishore Prasad,
4. Bipin Kumar, Son of Daroga Prasad,
All Residents of Village - Tadhawanandpur, Police Station - Bairiya, District
- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners submits that the
petitioner no. 1 namely Munna Prasad has been arrested,
therefore, this application has become infructuous against
petitioner no. 1.

Accordingly, this application is dismissed as
infructuous against petitioner no. 1.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 147, 149,
341, 323, 307, 379, 504, 506 of the Indian Penal Code.



Prosecution case is that as per FIR, petitioners and two others stopped the informant and attacked him, consequently, he fell down from his motorcycle on the road and thereafter, the accused persons dragged him to their darwaza, where he was bludgeoned by them. Munna Prasad and Pramod Prasad tried to pressed the neck of the informant with intention to kill him. Sikandra Kumar took mobile phone and Rs. 6,000/- from the pocket of informant. Bipin Kumar took the golden chain of informant from his neck. As a result of bludgeoning the informant started bleeding from his mouth, nose and ears therefore, he was taken to the hospital by family members.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. As per FIR, it has been alleged that accused Munna Prasad and Pramod Prasad pressed the neck of informant but the doctor has found no injury on the neck of the informant as would be evident from his injury report is at Annexure-2.

Learned counsel for the petitioner further submits that the present FIR i.e. Bairiya P.S. Case No. 195 of 2019 was lodged for the occurrence dated 17.05.2019 by the informant namely Sonu Kumar. The father of Sonu Kumar namely Bhupendra Prasad has lodged another case as Bairiya P.S. Case



No. 157 of 2019 for the occurrence dated 17.05.2019 against petitioner nos. 1 and 2 and other family members of the petitioners. Occurrence took place on 17.05.2019 but the FIR was lodged on 17.06.2019 and there is no explanation for delay of one month.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory 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 the learned 1st Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bariya P.S. Case No. 195 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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