

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21719 of 2020

Arising Out of P.S. Case No.-298 Year-2019 Thana-Chhatapur District-Supaul

- =====
1. Laxman Mehta, son of late Birju Mehta
 2. Chandeshwari Yadav, son of Bhagwat Yadav
- Both resident of Village Kathara, Ward No. 9, P.S. Chhatapur, District Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Madhav Jha
For the Opposite Party : Mr. Uma Shankar Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chhatapur P.S. Case No. 298 of 2019, disclosing the offence punishable under Section 307 and other allied Sections of the Indian Penal Code.

It is alleged in the FIR that on 06.12.2019 in the morning at 6.00 a.m., when the informant's father was returning after making collections from traders, he was waylaid by the petitioners and other accused persons who were armed variously. They are said to have attacked the informant's father and when the family members went there for rescue, co-accused



Bhikendra Yadav assaulted the informant's father with *dabia* in his head. It is alleged against petitioner no. 1 of having assaulted the informant's father in his head with an iron rod. There is allegation against petitioner no. 2 of having assaulted the informant.

It has been argued on behalf of the petitioners that there is allegation against petitioner no. 1 of having assaulted one Shankar Mehta with iron rod and petitioner no. 2 of having assaulted one Manoj Kumar Mehta but there is no injury on the person of Manoj Kumar Mehta and injury on Shankar Mehta has been found to be simple in nature. He has submitted that a counter-case has been registered being Chhatapur P.S. Case No. 299 of 2019, which would disclose that the petitioners' side has also received injuries. There is long standing land dispute between the parties, learned counsel for the petitioners contended by referring to the averment made in paragraph 12 of the application. The petitioners have no criminal antecedent, as stated in paragraph 3 of the application.

Considering the above submission, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.



10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned ACJM-VI, Supaul in Chhatapur P.S. Case No. 298 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.



(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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