

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26307 of 2020

Arising Out of PS. Case No.-361 Year-2019 Thana- CHANPATIA District- West Champaran

1. BAIDHNATH RAUT @ BAIDHNATH PATEL S/o Late Lachuman Raut @ Late Laxman Raut Resident of Village-Brindavan Ashram, P.S.-Chanpatia, District-West Champaran.
2. Suraj Patel @ Brijesh Kumar @ Suraj Kumar Patel @ Brijesh Kumar Patel S/o Baidhnath Raut @ Baidhnath Patel Resident of Village-Brindavan Ashram, P.S.-Chanpatia, District-West Champaran.
3. Jhunna Patel @ Suraj Kumar @ Suraj Patel S/o Baidhnath Raut @ Baidhnath Patel Resident of Village-Brindavan Ashram, P.S.-Chanpatia, District-West Champaran.
4. Arjun Patel S/o Baidhnath Raut @ Baidhnath Patel Resident of Village-Brindavan Ashram, P.S.-Chanpatia, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the informant	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2020 Heard Mr. Sanjeev Kumar, learned counsel for the petitioners, Mr. Abhishek Kumar, learned counsel for the informant and Mrs. Meena Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioners submits that during pendency of this application, petitioner No. 1 namely, Baidhnath Raut @ Baidhnath Patel has been arrested and this application against petitioner No. 1 has become infructuous. Accordingly, learned counsel for the petitioner seeks permission



to withdraw this application against petitioner No. 1.

Permission is granted.

This application against petitioner No. 1 is dismissed as withdrawn.

So far as petitioners No. 2, 3 and 4 are concerned, they apprehend arrest in connection with Chanpatia (Kumarbag O.P.) P.S. Case No. 361 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The allegation against petitioners No. 2, 3 and 4 as per the prosecution story is that petitioner No. 2 assaulted the informant by means of *Farsa* on her head and allegation against petitioner No. 4 is that he assaulted brother-in-law (*Dewar*) of the informant, namely, Tulsi Mahto, with iron rod near his ear. There is no specific allegation of assault against petitioner No.3.

Learned counsel for the petitioners submits that both the parties are close door neighbours and the dispute between them had arisen over the issue of sharing of paddy crop. Learned counsel further submits that injury caused to the informant has been found to be simple in nature by hard and blunt substance whereas the allegation against petitioner No. 2 is that he assaulted the informant by means of *Farsa* which is a



sharp cutting weapon.

On the other hand, learned counsel for the State as well as the informant vehemently oppose the prayer for anticipatory bail and learned counsel for the informant submits that the injury caused to brother-in-law (*Dewar*) of the informant namely, Tulsi Mahto, is grievous in nature and specific allegation of assault against petitioner No. 4 is that he assaulted Tulsi Mahto by means of iron rod.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the injury caused to the brother-in-law (*Dewar*) of the informant is grievous in nature, I am not inclined to grant anticipatory bail to petitioner No. 4 and the same is **rejected**.

However, taking into consideration the nature of injury caused to the informant which is simple in nature caused by petitioner No. 2 and there is no specific allegation of assault against petitioner No. 3, I am inclined to grant anticipatory bail to petitioners No. 2 and 3 namely, Suraj Patel @ Brijesh Kumar @ Suraj Kumar Patel @ Brijesh Kumar Patel and Jhunna Patel @ Suraj Kumar @ Suraj Patel.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners No. 2



and 3, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Chanpatia (Kumarbag O.P.) P.S. Case No. 361 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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