

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26626 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- KANGLI District- West Champaran

1. DIPU BAITHA S/o Gopiyen Baitha Resident of Ward No.6, Village-Sugaha Bhawanipur, P.S-Kangali, Post-Sugaha Bhawanipur, West Champaran, Bihar-845307.
2. Guddu Baitha @ Guddu Baitha S/o Gopiyen Baitha Resident of Ward No.6, Village-Sugaha Bhawanipur, P.S-Kangali, Post Sugaha Bhawanipur, West Champaran, Bihar-845307.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Nath
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Kangali P.S. Case No. 24 of 2020, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, on 23.04.2020 at about 11.00 am, during course of panchayati all the accused persons including these petitioners having armed with deadly weapons came there and started assaulting the informant by means of



lathi and Farsa. Co-accused Ramawati Devi snatched Rs. 10,000/- from the pocket of informant.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. There is case and counter case. There is admittedly land dispute between the parties. There is no specific allegation of assault against Dipu Baitha petitioner no. 1. So far as petitioner no. 2 is concerned, it is alleged that he along with co-accused Ramawati Devi assaulted the informant by lathi. No case under Section 354 of IPC is made against the petitioners. Charge sheet has already been submitted. Petitioners have got clean antecedent as stated in para 3 of the bail petition and they are in custody since 30.04.2020.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bettiah West Champaran in connection with Kangali P.S. Case No. 24 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by



the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

vinita/-

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