

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28760 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- RAJEPUR District- East Champaran

1. DEEPAK KUMAR S/o Ramanand Prasad Resident of Village- Tajpur Saraiya, P.S.- Rajepur, District- East Champaran.
2. Ramanand Prasad S/o Late Hari Prasad Resident of Village- Tajpur Saraiya, P.S.- Rajepur, District- East Champaran.
3. Raj Kumari Devi W/o Ramanand Prasad Resident of Village- Tajpur Saraiya, P.S.- Rajepur, District- East Champaran.
4. Ajay Bhagat S/o Ramsurat Bhagat Resident of Village- Tajpur Saraiya, P.S.- Rajepur, District- East Champaran.
5. Newalal Bhagat @ Newalal Kumar S/o Shiv Shankar Bhagat Resident of Village- Tajpur Saraiya, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-12-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1. Accordingly, the present petition qua the petitioner no.1 stands dismissed as withdrawn.

The petitioners No. 2 to 5 apprehend their arrest in connection with Rajepur P.S. Case No. 153 of 2019 for the offence punishable under Sections 341, 448, 323, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

The case of the prosecution in brief is that on



13.12.2019 at about 11 A.M. while the informant was preparing to go to the Bank to deposit sale proceed of wheat to the tune of Rs. 60,000/- and when he had reached at his door, he saw that the petitioners had arrived there, whereafter they started assaulting the informant and in the process, the petitioner no. 1 is stated to have given iron rod blow on the head of the informant resulting in the informant sustaining injury and falling down on the ground, whereupon the petitioner no.1 had taken a sum of Rs. 60,000/- from the pocket of the informant. The petitioner no.1 is also stated to have assaulted the wife and daughters of the informant and others when they had come to save the informant.

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 a clean antecedent. It is submitted that as far as the petitioners no. 2 to 5 are concerned, there is no allegation of any sort of overt act or having snatched money from the informant, hence, at least they are entitled to the privilege of anticipatory bail.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioners.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into consideration the fact that the allegation of assault and snatching a sum of Rs. 60,000/- from the informant has been levelled against the petitioner no.1, who has already been arrested, 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 enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihar, District West Champaran in connection with Rajepur P.S. Case No. 153 of 2019.

(Mohit Kumar Shah, J)

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