

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.28535 of 2020**

Arising Out of PS. Case No.-442 Year-2019 Thana- NAUTAN District- West Champaran

1. KISHOR PRASAD @ RAJ KISHOR PRASAD Son of Bhuli Mahto Resident of Village - Pandey Tola Nautan, P.S.- Nautan, District - West Champaran.
2. Amarika Prasad @ Amirika Prasad Son of Bhuli Mahto Resident of Village - Pandey Tola Nautan, P.S.- Nautan, District - West Champaran.
3. Vijay Prasad Son of Bhuli Mahto Resident of Village - Pandey Tola Nautan, P.S.- Nautan, District - West Champaran.
4. Gayatri Devi Wife of Bhuli Mahto Resident of Village - Pandey Tola Nautan, P.S.- Nautan, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate  
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      04-12-2020                      Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Nautan P.S. Case No. 442 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 337, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report which has been lodged on 07.11.2019



with respect to the occurrence dated 03.11.2019, both the petitioners and informant side are co-sharers and they have a land dispute. It is stated that the petitioners' side came to the house of the informant's side and started abusing the informant. On this when the informant objected, these four accused persons surrounded him and while petitioner no. 1 gave order to kill the informant, petitioner no. 2 assaulted him on his head by a Farsa and according to the informant petitioner no. 2 assaulted him thrice by Farsa on his head as a result whereof his head got injured and started bleeding. It is alleged that when the informant fell down petitioner no. 3 assaulted him on his whole body by Lathi and thereafter petitioner no. 3 & 4 both damaged the Hero Splendor Motorcycle of the informant and took away Rs. 50,000/- from the dickey of the vehicle.

Learned counsel submits that there is a counter version of the alleged occurrence which took place on 03.11.2019. In this connection he has brought to the notice of this Court the Fardbeyan of Gayatri Devi (petitioner no. 4) recorded on 05.11.2019 in MJK Hospital, Bettiah. In this Fardbeyan she has made allegations against the informant's side and alleged that they abused her and then all the named accused persons caught hold of her and assaulted her. There is specific allegation against the informant of this case that he had caused injury on the body of



Gayatri Devi (petitioner no. 4) and he had also assaulted by a Garasa.

Learned counsel for the petitioners submits that petitioner no. 4 of this case has suffered sharp cut injuries and that the injury suffered by Pahwari Prasad who is informant of this case are only two injuries caused by hard and blunt substance.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, considering the totality of the facts and circumstances of the case wherein the petitioner no. 1 is said to be the order giver, the allegation against petitioner no. 2 that he had given Farsa blow thrice on the head of the informant is not getting substantiated from the injury report and that the allegation against petitioner no. 3 saying that he had assaulted on the whole body of the informant by Lathi is not getting fully corroborated as no injury is there on the whole body but the two injuries on head have been found to have been caused by hard and blunt object, those are simple in nature and petitioner no. 4 who is informant of the counter case has also suffered sharp cut injury, both parties are own gotias and there being a land dispute, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Nautan P.S. Case No. 442 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District – West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

