

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43238 of 2019

Arising Out of PS. Case No.-184 Year-2016 Thana- PAHARPUR District- East Champaran

1. BASHISTHA BHAGAT @ BASHISHTA BHAGAT S/o Late Panchul Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
2. Raja Bhagat S/o Late Panchul Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
3. Devendra Bhagat @ Davendra Kumar S/o Bashista Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
4. Brij Kishore Bhagat @ Brij Kishore Kumar S/o Raja Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
5. Savita Devi D/o Bashista Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
6. Vidya Devi @ Vina Devi D/o Bashista Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran
7. Reeta Devi D/o Raja Bhagat Resident of Sonbal Dakshin Patti, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 12-06-2020

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Paharpur P.S. Case No. 184 of 2016, disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code and Sections $\frac{3}{4}$ of the Prevention of Which (Daain) Practices Act, 2001.



It appears from the FIR that for an occurrence said to have taken place on 22.09.2016, the FIR was registered on 05.10.2016. It was alleged in the FIR that the petitioners called the informant's mother 'Daain', they abused and assaulted her. It is further alleged that when it was protested, petitioner no. 1 assaulted one Suryawati Devi with *farsa* in her head.

Learned counsel appearing on behalf of the petitioner has submitted that delay in lodging of the FIR itself is fatal for the prosecution's case. She has submitted that both the sides are agnates.

Considering the genesis of occurrence and nature of allegation, 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 Chief Judicial Magistrate, East Champaran at Motihari, in Paharpur P.S. Case No. 184 of 2016, 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.

(Chakradhari Sharan Singh, J)

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