

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49904 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- RAMNAGAR District- West Champaran

1. DEEPAK KUSHWAHA Son of Sri Bharat Kushwaha Resident of Village - Bahuari, P.S.- Ramayan, Distt - West Champaran. (Bagha)
2. Brajesh Kushwaha @ Brijesh Prasad Kushwaha Son of Sri Bharat Khushwaha Resident of Village - Bahuari, P.S.- Ramayan, Distt - West Champaran. (Bagha)
3. Rajesh Kushwaha @ Rajesh Prasad Kushwaha Son of Sri Bharat Kushwaha Resident of Village - Bahuari, P.S.- Ramayan, Distt - West Champaran. (Bagha)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kumar Sharma

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in Ram Nagar P.S. Case No.66 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 436, 379, 427, 504 of the Indian Penal Code.

The prosecution case is that allegation against the accused including the petitioners of abuse and assault by means of Lathi, Danda, Iron rod and Axe.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case due to village politics.



Learned counsel for the State has opposed the prayer for anticipatory bail. He submits that there is specific allegation against accused Bharat Kushwaha, who gave axe blow over head of the informant Pappu Singh and petitioner Deepak Kushwaha, who assaulted Upendra Tiwary, Sarpanch of the gram Panchayat as a result of which both injured fell down. Thereafter, all accused persons set fire in the house.

Considering the fact that there is specific allegation against the petitioner Deepak Kushwaha (petitioner no.1), I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail in respect of petitioner Deepak Kushwaha stands rejected.

So far as the petitioner nos.2 and 3, namely, Brajesh Kushwaha @ Brijesh Prasad Kushwaha and Rajesh Kushwaha @ Rajesh Prasad Kushwaha are concerned, there is general and omnibus allegation against them. Let the petitioner nos.2 and 3, named above, 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 learned S.D.J.M, Bagaha in connection with Ram Nagar P.S. Case No.66 of 2019 on the following conditions:

(1) Petitioners shall cooperate in the trial and shall be



properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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