

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1063 of 2020

Arising Out of PS. Case No.-115 Year-2018 Thana- BALTHAR District- West Champaran

1. Dhamendra Patel @ Dhamendra Kumar S/O Dinanath Patel Resident of Village - Balthar, P.S.- Balthar, District - West Champaran.
2. Madan patel S/O Late Bhangi Patel Resident of Village - Balthar, P.S.- Balthar, District - West Champaran.
3. Dinanath Patel S/O Late Bhangi Patel Resident of Village - Balthar, P.S.- Balthar, District - West Champaran.
4. Santosh Patel S/O Madan Patel Resident of Village - Balthar, P.S.- Balthar, District - West Champaran.
5. Amita Bachchan Kumar @ Amitabh Bachchan Patel S/O Jokhan Patel Resident of Village - Balthar, P.S.- Balthar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and

learned A.P.P for the State.

The petitioners apprehend their arrest in Balthar P.S. Case No. 115 of 2018, registered for the offence punishable under Sections 341, 323, 379, 354A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

It is alleged that on 18.12.2018 at 7.00 pm, the informant along with her daughter aged about 15 years and her husband had gone to see the fair. At about 10.00 p.m. they were



returning home and when they arrived near the house of her co-villager, Madan Patel, Dhamendra Patel caught the hand of informant's daughter with bad intention and he snatched her dupatta. On alarm raised by the informant, other co-accused Madan Patel, Dinanath Patel, Santosh Patel and Amitabh Bachchan Patel, all armed with lathi and Fattha came there and they abused the informant and her husband and assaulted them. Santosh Patel gave iron rod blow on the head of informant and Madan Patel snatched Mangal Sutra from her neck.

It is submitted that petitioners have falsely been implicated in this case. The allegation is false and concocted. There is no eye-witness of the occurrence. This case has been filed only to harass the petitioners. Both parties are agnates and there is land dispute between them. The police after completion of investigation submitted charge-sheet under bailable sections of Indian Penal Code, but differing with the same, the court below took cognizance under Sections 341, 323, 379, 354(A), 504 and 34 of the Indian Penal Code and section 8 of the POCSO Act. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioners above-named in the event of their arrest/surrender before the court below within a period of six weeks from the date of



receipt/production of a copy of this order, 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 **Ist Addl. District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran** in connection with **Balthar P.S. Case No. 115 of 2018**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further 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 bonds 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/-

U		T	
---	--	---	--

