

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21204 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- NAUTAN District- West Champaran

1. BULLET KUMAL @ BULET KUMAR S/o Santu Prasad @ Santu Mahto Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.
2. Dinesh Prasad S/o Virendra Prasad Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.
3. Santu Prasad @ Santu Mahto S/o Bhola Mahto Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.
4. Ram Prabha Devi W/o Dinesh Prasad Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.
5. Kalyani Devi W/o Mukti Mahto Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.
6. Rabri Devi W/o Santu Prasad @ Santu Mahto Resident of Village- Jhakhara, Tola Jhakhar, Ward No. -1, P.S.- Jagdishpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Digvijay Kumar Ojha, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. B.N. Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Digvijay Kumar Ojha, learned

counsel for the petitioners and Mr. B.N. Mishra, the

learned counsel for the informant. The State is

represented by Mr. Ram Priya Sharan Singh, the learned

APP.

Mr. Digvijay Ojha seeks permission to withdraw



the application with respect to the petitioner no. 2, who has been arrested.

The application with respect to the petitioner 2/Dinesh Prasad is dismissed as having become infructuous.

Learned counsel for the petitioners also seeks permission to make correction in the name of the petitioner no. 1.

Let the name of the petitioner no. 1 be read as Bullet Kumal @ Bulet Kumar.

The petitioner nos. 1 and 3 to 6 seek bail in anticipation of their arrest in connection with Nautan P.S. Case No. 238 of 2020 instituted for the offence under Sections 147, 148, 149, 323, 324, 307, 379 and 354 of the Indian Penal Code

The accusation in the First Information Report is of the petitioners entering the house of the informant and assaulting her, her husband and her sister-in-law. The aforesaid three persons have received simple injuries except one injury on the informant on her hand which has



been reported to be grievous.

The learned counsel for the petitioners has submitted that though there is specific accusation against petitioner nos. 1,3 and 4 but according to the nature of accusation, it would appear that they are highly exaggerated. There is a counter version of the occurrence also lodged by the petitioner no. 3. In fact, it has been submitted that the counter case was lodged by the petitioner no. 3 earlier in point of time but the local police, going in collusion with the informant has chosen to register the case after the subject F.I.R. Apart from this, it has been submitted that the occurrence is dated 23.03.2020 but the *fardbeyan* was recorded on 27.03.2020. The formal F.I.R. appears to have been registered on 13.07.2020. This time lag between the occurrence, the recording of the *fardbeyan* and the registration of the F.I.R. indicates about the averments made therein to be suspicious. It has also been submitted that some of the associates of the petitioners also have received simple injuries in the transaction about which



there is no reference in the subject F.I.R.

The learned counsel for the informant, however, has opposed the grant of anticipatory bail specially the petitioner no. 1, who is specifically said to have assaulted one of the injured persons of this case and also attempted to disrobe the informant.

Regard being had to the background facts indicating a dispute between two neighbours and the injuries suffered by the victim to be simple in nature except for one which is on the hand of the informant, the petitioner no. 1/ Bullet Kumal @ Bulet Kumar, the petitioner no. 3/ Santu Prasad @ Santu Mahto, the petitioner no. 4/Ram Prabha Devi, the petitioner no. 5/Kalyani Devi and the petitioner no. 6/Rabri Devi, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, West Champaran, Bettiah, in
connection with Nautan P.S. Case No. 238 of 2020,
subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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