

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38609 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- PIPRA District- East Champaran

1. RAMU KHALIFA @ RAJIV RATHOUR S/o Dev Nath Khalifa @ Devnarayan Rathour @ Devnarayan Pahalwan R/o village- Tedhi Ghat, Jardahan, P.S.- Pipra, District- East Champaran
2. Chhotan Khalifa @ Chhotan Rathour S/o Dev Nath Khalifa @ Devnarayan Rathour @ Devnarayan Pahalwan R/o village- Tedhi Ghat, Jardahan, P.S.- Pipra, District- East Champaran
3. Dev Nath Khalifa @ Devnarayan Rathour @ Devnarayan Pahalwan S/o Saheb Khalifa R/o village- Tedhi Ghat, Jardahan, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioners seek bail in Pipra P.S. Case No. 370 of
2020, registered for the offence punishable under Sections 307,
323 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 19.08.2020 at 8.00 pm
she-goat of petitioners grazed the crop of informant, as a result
of which verbal confrontation took place between the parties
and thereafter, all the accused persons including petitioners



variously armed came at his door and started abusing. Co-accused Sonu Khalifa assaulted informant with Dabiya, as a result of which blood was oozing out. In the meantime, informant's wife Sangita Devi came to rescue him, then co-accused Sonu Khalifa and his wife Rinku Devi along with co-accused Chhotelal Khalifa assaulted her, as a result of which her pregnancy of five months was miscarried.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. The alleged occurrence took place on 19.08.2020, but the FIR was lodged on 15.12.2020 after lapse of four months without any plausible explanation. There is general and omnibus allegation and no specific overt act has been alleged against petitioners. Specific allegation of assault is against co-accused Sonu Khalifa, Rinku Devi and Chhotelal Khalifa. Petitioners are in custody since 06.04.2021 having clean antecedent.

Considering the facts and circumstances of the case, the petitioners above-named, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra P.S. Case No. 370 of 2020, subject to



following 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 bond 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)

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