

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30092 of 2020

Arising Out of PS. Case No.-80 Year-2020 Thana- JOGAPATTI District- West Champaran

1. BALDEEP PATEL Son of Nagendra Patel Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.
2. Kuldeep Patel @ Kuldeep Kumar Son of Nagendra Patel Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.
3. Ranjan Patel Son of Bhikhari Patel Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.
4. Manish Patel @ Manish Kumar Son of Alagu Patel @ Algu Raut Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.
5. Nagendra Patel Son of Late Fuleman Patel @ Fulena Patel Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.
6. Shanti Devi Wife of Bhikhari Patel Resident of Village - Siswa Bhumihar, Police Station - Yogapatti (Nawalpur), District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr Sachida Nand Rai, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-01-2021 Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in connection with Yogapatti (Nawalpur) Police Station (for brevity, *PS*) Case No 80 of 2020 instituted for the offence punishable under Sections 341, 323, 324, 307, 427, 379, 504, 506/34 of Indian Penal Code.

When the son-in-law of the informant was coming to visit the informant, it is alleged that he was stopped before the house of the informant. When the informant went to enquire as



to why he has been stopped, it is alleged that all the accused persons have indiscriminately assaulted the informant by various means including rod and axe.

Petitioners' counsel submits that even from the prosecution case, there is no specific assault alleged against petitioners No 2, 4 and 5. Against petitioner No 6, who happens to be a female member of the family, the informant has made a false allegation of snatching some money. The allegations of assault against petitioners No 1 and 3 are also on account of a brawl which took place between both parties in relation to which the petitioners' side have also lodged a case against the prosecution party. A supplementary affidavit has been filed bringing on record a compromise arrived at between the parties which has been filed in the Court below upon restoration of harmony. It is further submitted that none of the petitioners have any criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be



released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, District – West Champaran in Yogapatti (Nawalpur) PS Case No 80 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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