

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41114 of 2020

Arising Out of PS. Case No.-188 Year-2020 Thana- MAJHAULIA District- West Champaran

1. Bhim Rai @ Dharmendra Rai, Son Of Raghunath Rai Resident Of Village - Bhangaha Tola, Lohiyariya, P.S.- Chanpatia (Kumarbag O.P.), Distt.- West Champaran.
2. Ajit Mahto @ Ajit Kumar, Son Of Shiv Mahto Resident Of Village - Khutiya, Indu, P.S.- Majhauria, Distt.- 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. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-07-2021 Heard Mr. Sanjeev Kumar, the learned Advocate for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Majhauria P. S. Case No.188 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that over the issue of irrigation of agricultural land, an occurrence took place in which the petitioners are said to have assaulted the members of the prosecution party along with others. The petitioner no.1 and others are said to have assaulted and injured Akbar Mian, Nabi Hussain and Ali Mohammad. All of them



have received grievous injuries. So far as the petitioner no.2 is concerned, he is said to have assaulted one Altaf Hussain, who has received only simple injuries.

It has been submitted on behalf of the petitioners that they have been made accused in this case only because of the clash between the two parties over irrigation and also for the dispute regarding the play-ground for the children of the two communities.

Regard being had to the fact that the petitioner no.2 does not have criminal antecedent and is only alleged to have caused simple injury on one person, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P. S. Case No.188 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The petitioner no.1 is said to have caused grievous injuries to three persons and is also an accused of a criminal case from before.

Considering this aspect of the matter his anticipatory



bail petition is rejected.

However, if the petitioner no.1 surrenders before the Court below and seeks bail, the Court below shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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