

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2671 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MAHESI District- East Champaran

1. Manoj Bhagat @ Manoj Kumar S/O Badri Bhagat Resident Of Vill.- Bathna, P.S.- Mehsi, Distt.- East Champaran.
2. Anik Lall Bhagat @ Anik Lall Kumar S/O Badri Bhagat Resident Of Vill.- Bathna, P.S.- Mehsi, Distt.- East Champaran.
3. Sudistha Kumar @ Sudish Kumar S/O Badri Bhagat Resident Of Vill.- Bathna, P.S.- Mehsi, Distt.- East Champaran.
4. Badri Bhagat S/O Late Ramfal Bhagat Resident Of Vill.- Bathna, P.S.- Mehsi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 28-10-2021 Learned counsel for the petitioners seeks permission to withdraw the application of Badri Bhagat (petitioner no.4) as Badri Bhagat has already been arrested.

Permission is accorded.

The application of Badri Bhagat (petitioner no.4) is, accordingly, dismissed as withdrawn.

Heard learned counsel for petitioner nos.1, 2 and 3 and learned A.P.P. for the State.

Petitioner nos.1, 2 and 3 apprehend their arrest in Mehsi P.S. Case No.101 of 2020 registered under Sections 341,

323, 307, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have committed no offence and have falsely been implicated in the present case. There is a land dispute between the parties. There was a mutual assault on each other. Both sides received injuries. The petitioners have got no criminal antecedent.

Learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that there is a specific allegation against petitioner no.1 Manoj Bhagat @ Manoj Kumar, who is said to have assaulted the informant on his head with farsa due to which the informant got injury.

Having considered the facts and the nature of allegations made against the petitioners, petitioner no.2 (Anik Lall Bhagat @ Anik Lall Kumar and petitioner no.3 (Sudistha Kumar @ Sudish Kumar in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing personal bonds to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Mehshi P.S. Case No.101 of 2020 corresponding to G.R. No.2433 of 2020, subject to the

conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of petitioner no.1 Manoj Bhagat @ Manoj Kumar is concerned, there is specific allegation against him that petitioner no.1 assaulted the informant on his head with farsa due to which the informant got injury.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner no.1 (Manoj Bhagat @ Manoj Kumar) on anticipatory bail. Accordingly, the same is rejected.

(Arvind Srivastava, J)

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