

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9398 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- GOPALPUR District- West Champaran

1. DHURENDRA PARIT @ DHURENDRA PANDIT S/O Late Ranglal Pandit Resident of Jagannathpur, P.S. Gopalpur, District - West Champaran.
2. MANEJAR PARIT @ MANEJAR PANDIT S/O Vidya Pandit Resident of Jagannathpur, P.S. Gopalpur, District - West Champaran.
3. JHULAN PARIT @ JHULAN PANDIT S/O Dhurendra Pandit @ Dhurendra Parit Resident of Jagannathpur, P.S. Gopalpur, District - West Champaran.
4. UMESH PARIT @ UMESH PANDIT S/O Dhurendra Pandit @ Dhurendra Parit Resident of Jagannathpur, P.S. Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Gopalpur P.S. Case No. 79/2020 instituted for the offence under Sections 341, 323, 326, 354, 379, 504, 506/34 of the Indian Penal Code.

The petitioner no. 1 is said to have caught the mother of the informant whereas the petitioner no. 2 assaulted the informant by means of a *farsa* on his head.



There is no specific accusation against the petitioner nos. 3 and 4.

The learned counsel for the petitioners has submitted that though the informant has received injuries, the nature of which could not be assessed at the time when the informant / injured was given first aid treatment but the dimension of the injuries disclose that it is not in consonance with the ocular testimony. The injury appears to have been caused by hard and blunt substance whereas the petitioner no. 2 is said to have assaulted by mean of a sharp cutting weapon. It has further been submitted that the parties are neighbours and a dispute had arisen because of construction of house on the disputed portion of the land.

Be that as it may, since the petitioner no. 2 has caused injuries on the head of the informant, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner no. 2 is rejected.

However, if he surrenders before the Court below and seeks bail, that petition shall be considered on its own



merits without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained

In view of the general nature of accusation against the petitioner nos. 1, 3 and 4 and the background of these petitioners being neighbours of the informant and a dispute existing between the parties, 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 A.D.J. -III, Bettiah, West Champaran, in connection with Gopalpur P.S. Case No. 79/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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