

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30182 of 2021

Arising Out of PS. Case No.-306 Year-2020 Thana- NAUTAN District- West Champaran

1. KISHAN PATEL Son of Ramchandra Patel Resident of Village Khalwa Kahp Tola, P.S. - Nautan, District - West Champaran.
2. RAJESH PATEL Son of Ramnath Patel Resident of Village Khalwa Kahp Tola, P.S. - Nautan, District - West Champaran.
3. RAVINDRA PATEL Son of Kanhai Patel Resident of Village Khalwa Kahp Tola, P.S. - Nautan, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners submits that though in the first paragraph of the petition, “*Nautan P.S. Case No. 306 of 2020*” has rightly been mentioned but inadvertently, in the prayer portion, of the petition, “*Nautan P.S. Case No. 305 of 2020*” has wrongly been mentioned.

Accordingly, counsel for the petitioners is permitted to make necessary correction in the prayer portion of the main



petition.

The petitioners are apprehending their arrest in Nautan P.S. Case No. 306 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 447, 354(B), 379, 504 and 506 of the Indian Penal Code.

Prosecution case in short is that in the backdrop of land dispute, the petitioners along with other accused persons named in the F.I.R. variously armed with weapons formed an unlawful assembly and came at the door of informant on 22-08-2020 and started abusing and assaulting him. During occurrence, Rajesh Patel gave sword blow on the head of informant's nephew Sipahi Patel and caused him head injury and thereafter, the petitioner Ravindra Patel took out Rs. 1200/- from his pocket and Osiyar Patel snatched gold chain from his neck amounting to Rs. 15,000/- Srikisan Patel is said to have outraged modesty of Anita Devi.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been



explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bettiah, West Champaran in connection with Nautan P.S. Case No. 306 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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