

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60685 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- DHANAHA District- West Champaran

1. SHANTI DEVI W/o Bangali Prajapati @ Bangali Kohar @ Bangali Pandit @ Bangali Pandit Resident of Village - Nauka Tola Daunaha, P.s.- Dhanaha, Distt.- West Champaran.
2. HARIKESH PRAJAPATI @ HARIKESH KOHAR @ HARIKESH PADIT @ HARIKESH PANDIT Son of Bangali Kohar @ Bangali Prajapati @ Bangali Padit @ Bangali Pandit Resident of Village - Nauka Tola Daunaha, P.s.- Dhanaha, Distt.- West Champaran.
3. SUJIT KOHAR @ SUJIT PADIT @ SUJIT PANDIT Son of Bangali Kohar @ Bangali prajapati @ Bangali padit @ Bangali pandit Resident of Village - Nauka Tola Daunaha, P.s.- Dhanaha, Distt.- West Champaran.
4. RAVI KOHAR @ RAVI PADIT @ RAVI PANDIT Son of Bangali Kohar @ Bangali Prajapati @ Bangali Padit @ Bangali Pandit Resident of Village - Nauka Tola Daunaha, P.s.- Dhanaha, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arvind Kumar, Advocate
For the Opposite Party	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 25-05-2022 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.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner Nos. 3 & 4 namely, Sujit Kohar @ Sujit Padit @ Sujit Pandit and Ravi Kohar @ Ravi Padit @ Ravi Pandit as during pendency of this application, they have been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner Nos. 3 & 4 namely, Sujit Kohar @ Sujit Padit @ Sujit Pandit and



Ravi Kohar @ Ravi Padit @ Ravi Pandit is dismissed as withdrawn.

The petitioner Nos. 1 & 2 are apprehending their arrest in Dhanaha P.S. Case No. 180 of 2020 registered for the offence under Sections 341, 323, 325, 354, 307, 504/34 of the Indian Penal Code.

Prosecution case in short is that in the backdrop of land dispute, on 26-07-2020, the accused persons started assaulting him and when his nephew Shiv Kumar went to save him, the petitioners and others are said to have given gadansa blow on left palm of his nephew due to which, his left palm got divided into two parts. The accused persons are also said to have caused serious injury to niece of the informant and tried to outrage her modesty.

It has been submitted on behalf of the petitioner Nos. 1 & 2 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. The petitioner Nos. 1 & 2 have been falsely implicated in the present case. There is admitted land dispute between the parties. Both parties are agnates. 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. The petitioner No. 1 is a lady.

On behalf of the State, it is submitted that the petitioner Nos. 1 & 2 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 1 & 2, 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, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 180 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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