

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6631 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- INARWA District- West Champaran

1. SAROJ GADDI @ SAMIR GADDI S/o Harilal Gaddi R/o Village-Khamiya, Inarwa, Ward no. 11, P.S.- Inarwa, Distt- West Champaran at Bettiah.
2. Raja Gaddi S/o Chandrika Gaddi R/o Village- Khamiya, Inarwa, Ward no. 11, P.S.- Inarwa, Distt- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.1 to enable him to surrender before the learned Court below, within a period of six weeks from today and avail the privilege of regular bail. Liberty so sought is granted.

Accordingly, the present petition qua the petitioner no.1 stands dismissed as not pressed.

Heard the learned counsel for the petitioner no.2 and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Inarwa P.S.



Case No.92 of 2022, registered for offences under Sections 147, 148, 149, 323, 307, 353, 332, 333, 337, 338, 379, 427 and 414 of the IPC.

The case of the prosecution, in brief, is that on the alleged date and time of occurrence, the informant alongwith his raiding party had intercepted two tractors laden with beetlenut, etc. and while the same were being taken to the S.S.B. Camp at Inarwa, for verification, 41 FIR named and 150 unknown persons had surrounded the raiding party, whereupon the petitioner no.1 is stated to have assaulted the informant on his hand with an iron rod and then the other accused persons had also assaulted the raiding party, leading to the accused persons succeeding in taking away the tractors along with the contraband articles inside the village. It is further alleged that subsequently search was made, whereupon one tractor was found parked in front of the house of the petitioner no.1, while the second tractor was recovered from the premises of one Serajul Miyan.

The learned counsel for the petitioner



no.2 has submitted that the petitioner no.2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner no.2 has further submitted that as far as the petitioner no.2 is concerned, he has neither been alleged to have engaged in any sort of specific overt act nor any tractor, much less any contraband articles, have been recovered from his house.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner no.2 has been alleged to have engaged in any sort of overt act nor the tractor laden with beetlenut/contraband articles has been recovered from his house, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.



Accordingly, the above named petitioner no.2 is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Inarwa P.S. Case No.92 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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