

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15904 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- BALTHAR District- West Champaran

1. Rauf Gaddi, Son Of Manir Gaddi R/O Vill.- Bhawauri, Ward No. 12, P.S.- Balthar, Distt.- West Champaran
2. Premchandra Gaddi, Son Raiful Gaddi @ Rauf Gaddi R/O Vill.- Bhawauri, Ward No. 12, P.S.- Balthar, Distt.- West Champaran
3. Lappu @ Sarfaraj Gaddi @ Lappu Gaddi @ Lapu Gaddi, Son Of Premchandra Gaddi R/O Vill.- Bhawauri, Ward No. 12, P.S.- Balthar, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Balthar P.S. Case No. 143 of 2022 registered for the offence punishable under Sections 341, 323, 324, 354, 307, 447, 379, 504, and 34 of the Indian Penal Code.

There is allegation of indiscriminate assault against all the fourteen accused persons, including the petitioners.

Learned counsel for the petitioners submits that over a trivial dispute free fight has been taken place between the prosecution and the accused persons, who happen to be agnates.



The counter-version of the occurrence is to be found in the Balthar P.S. Case No. 142/2022 lodged by the instant accused side. Though general and omnibus allegation of assault is levelled by name against petitioner nos. 1 and 2, there is no specific assault alleged. In so far as petitioner no. 3, the allegation of snatching the chain of informant's niece and assault by means of slap and fist is not corroborated by the injury report. The petitioners have no criminal antecedents and specific allegations are made against other accused persons.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, nature of accusations and clean antecedent of the petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Petitioners' anticipatory bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 4th, Bettiah, West Champaran,, in connection with Balthar P.S. Case No. 143 of 2022, subject to the



conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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