

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18007 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- CHANPATIA District- West Champaran

1. RAKESH YADAV Son of Sri Gopal Yadav R/V- Bhikhampur, PS- Chanpatia (Sirisiya) Dist- West Champaran
2. Hargun Patel son of Late Vidya Patel @ Vidya Raut R/V- Bhikhampur, PS- Chanpatia (Sirisiya) Dist- West Champaran
3. Jawahir Patel son of Late Ganesh Patel R/V- Bhikhampur, PS- Chanpatia (Sirisiya) Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Chanpatia (Sirisiya) P.S. FIR No. 277 of 2022 under sections 323, 341, 325, 307, 354-B, 447, 379, 435, 504, 506/34 of the Indian Penal Code.

The prosecution story in brief is that on 1.06.2022 at about 3:00 PM, the informant was planting mango plant in his field, in the meantime, all the petitioners along with 7-8 known persons came there armed variously started



abusing him. He protested, then the accused persons cut away the mango plant and set fire the hut while accused Hargun Patel inflicted a rod blow on the head of the informant. As a result, he sustained head injury. Similarly, accused Rakesh Yadav assaulted him with rod on the left leg and Suresh Yadav assaulted him on the left hand causing injuries on his leg and hand. When the sons of the informant and female family members came to his rescue, they too were assaulted.

It has been submitted by the learned counsel for the petitioners that there is case and counter case relating to the same occurrence and further none has attributed the allegation against the petitioners of having assaulted the informant and Rampyare Patel. By way of Annexure-3, it has been brought on record to show that so far as informant is concerned, the nature of injury is simple whereas in case of Pramod Patel, no external injury has been found.

Further, they do not have criminal antecedent and lastly, irrespective of the outcome of the present case and/or without accepting the allegation, he would like to give Rs. 10,000/- each as medical assistance to the injured through Demand Draft issued by the local State Bank of India



branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned counsel for the informant opposes the prayer stating that they have assaulted the informant as also Pramod Patel.

Considering the aforesaid submission put forward by the learned counsel for the petitioners, they do not have criminal antecedent and the injuries have been found to be simple in nature, this Court is inclined to grant them the privilege of anticipatory bail subject to payment of Rs. 10,000/- each as stated above.

Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, Chanpatia (Sirisiya) P.S. FIR No. 277 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with other conditions:

(i) one of the bailor should be the family member



of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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