

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28356 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- DHANAHA District- West Champaran

1. Pradeep Patel, Son of Fulena Patel, Resident of Village - Banawariya, P.S. - Dhanaha, Distt. - West Champaran.
2. Fulena Patel, Son of Gopi Patel, Resident of Village - Banawariya, P.S. - Dhanaha, Distt. - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 At the outset, learned counsel for the petitioners submits that the petitioner no. 1, namely, Pradeep Patel has already been arrested, hence, this application on his behalf has become infructuous and is not pressed.

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

3. The petitioner no. 2 in the present case is seeking pre-arrest bail in connection with Dhanaha P.S. Case No. 275 of 2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 427, 379, 506 of the Indian Penal Code. He has got one criminal antecedent.

4. As per the prosecution story, on 21.11.2022 at about 10:00 P.M. when the informant was returning from a wedding



function and reached near the house of the FIR named accused persons, all the accused persons armed with various weapons came there and started assaulting him. The co-accused Mahendra Patel, Ramayan Patel, Dinesh Patel and Ramji Patel inflicted sharp-edged weapon over the head of the informant which caused in three head injuries to the informant. Anil Patel, Ritlal Patel and Harivansh Patel assaulted the informant with lathi over his both hand and caused fracture in both the hands. The two accused persons namely Pradeep Patel (Petitioner No. 1) and Randheer Patel inflicted Bhala in both thighs of the informant. The accused persons also snatched gold chain and Rs.10,000/- cash from the pocket of the informant. They also damaged the motorcycle of the informant.

5. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 is innocent and has falsely been implicated in this case. It is submitted that no overt act has been alleged against the petitioner no. 2.

6. Learned APP for the State has opposed the anticipatory bail of the petitioner no. 2.

7. Having regard to the facts and circumstances of the case, so far as the petitioner no. 2 is concerned, it is submitted that he has been named in FIR one amongst 16 persons but no



overt act has been alleged against him, considering this aspect of the matter, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner no. 2 shall be released on bail in connection with Dhanaha P.S. Case No. 275 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist Class, Bagaha, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

