

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51582 of 2023

Arising Out of PS. Case No.-463 Year-2022 Thana- RAXAUL District- East Champaran

1. Vikram Patel, Son of Madan Patel, Resident of Village- Basantpur, Maswas, P.S.- Kangali, District- West Champaran At Present Residing at Mohalla- Aashram Road Raxaul, Ward No. 10, P.S.- Raxaul, District- East Champaran
 2. Rahul Patel Son of Madan Patel, Resident of Village- Basantpur, Maswas, P.S.- Kangali, District- West Champaran At Present Residing at Mohalla- Aashram Road Raxaul, Ward No. 10, P.S.- Raxaul, District- East Champaran
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dineshwar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Raxaul P.S. Case No. 463 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 420, 504/34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, the informant had given Rs.61,66,000/- to one Pintu Patel who escaped to Nepal when asked to return money. Thereafter, in the Panchayat Pintu Patel agreed to transfer his land situated at Sundarpur Road in favour of the informant and also gave two cheques of



Rs.1,00,000/- each but at the time of declaration, he fled away and could not be traced by Pintu Kumar. On 27.09.2022 when the informant was returning from Rajdandi Mandir then near Raxaul Railway the accused Pintu Patel with his brothers surrounded him and assaulted him. Pintu Patel also assaulted the informant with a knife which caused him injury on his neck. When the nearby persons came to rescue the informant, all the accused persons managed to escape.

4. Learned counsel for the petitioners submits that there is no specific allegation of assault against these petitioners.

5. Learned counsel submits that the thrust of allegations are against co-accused Pintu Patel who has already been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 5068 of 2023.

6. Learned APP for the State has opposed the prayer for bail of the petitioners.

7. Having regard to the submission that there is no specific allegation of assault against these petitioners, the thrust of allegations are against co-accused Pintu Patel who has already been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 5068 of 2023, let the petitioners who have otherwise no criminal antecedent, in



case of their arrest or surrender within a period of four weeks from today be released on bail in connection with Raxaul P.S. Case No. 463 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 accordingly.

(Rajeev Ranjan Prasad, J)

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