

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58569 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- INARWA District- West Champaran

1. JUBAIDA KHATOON Wife of Late Yasin Gaddi @ Aaseen Gaddi
2. Abulaish Gaddi @ Awalesh Gaddi Son of Late Yasin Gaddi @ Aaseen Gaddi
Both are Resident of village - Barwa Parsauni, Police Station - Inarwa,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Naryan Mishra, Advocate Mr.Sachida Nand Rai, Advocate
For the Opposite Party/s :		Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Inarwa P.S. Case No.68 of 2022 instituted under Sections 147,148,149,341,323,324,,307,379,427,504,506 of the Indian Penal Code.

As per the prosecution story, the informant alleged that while he was making way in his paddy crop field, the accused persons came, abused and thereafter assaulted. The petitioner no.1 assaulted the daughter of the informant Rita Khatoon while against petitioner no.2, the allegation is that he caught hold of Abdul Haque whereafter Gulesh Gaddi assaulted him with farsa on his head causing injury. Accordingly, the FIR



was lodged.

Learned counsel for the petitioners submit that there is case and counter case relating to the passage and in the scuffle certain injuries sustained by both sides which has been made graver by incorporating the weapons. He further submits that both the injuries to the aforesaid two persons from informant's side have been found to be simple in nature. The further submission is that irrespective of the outcome of the present petition, the petitioners intend to pay Rs.10,000/- each to the two injured namely Rita Khatoon and Abdul Haque through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that allegation of assault is/are against both the petitioners.

Taking into account the fact that the matter is of case and counter case, injuries have been found to be simple in nature and they do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail subject to the payment of Rs.20,000/- as stated above to be deposited before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Let the petitioners be released on bail, in the event of



their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Inarwa P.S. Case No.68 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(iii) 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;

(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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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