

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62902 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- RAXAUL District- East Champaran

Bhagwat Patel @ Bhagat Patel @ Bhagwat Raut S/O Late Vidya Patel
Village- Gamhariya, P.S.- Rasaul, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anu Priyadarshi, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Ms. Anu Priyadarshi, learned counsel

 appearing on behalf of the petitioner and the learned Additional

 Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Raxaul P.S. Case No. 170 of 2023, registered for the offences punishable under Sections 147, 341, 323, 307, 379 and 504 of the Indian Penal Code.

3. Allegedly, while the niece of one ‘Gulsan Khatoon’ was moving along with co-accused Binod Kumar, the same was protested by the informant, thereupon, all the accused persons, including the petitioner brutally assaulted him due to which he sustained head injury. It is further alleged that when the daughter of the informant came in his rescue, she was also assaulted and further the accused persons snatched the valuables



of the wife and daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration made in the FIR, it is evident that there is no specific allegation levelled against any of the accused persons. Moreover, persons of both the sides are neighbours and on account of some trifle, this matter has taken place and, thereafter, the name of the petitioner and others have been given only to wreck vengeance and pressurize them. She also submits that so far the injuries sustained to the informant and others are concerned, though nature of the same is not discussed in the impugned order, but as per her instruction, it was found to be simple in nature. It is lastly submitted that in fact the petitioner was a 'Panch' and he intervened the matter in order to pacify both the sides but subsequently, his name has been implicated in this case. That apart, the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that all the accused persons have brutally assaulted the informant and his family members.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 170 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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