

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59937 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. Shailendra Patel Son of Purushotam Patel @ Purushotam Chaudhary Resident of village- Barkurwa, P.S- Piprakothi, District- East Champaran
2. Sumit Kumar S/O Shailendra Patel Resident of village- Barkurwa, P.S- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Piprakothi P.S. Case No. 179 of 2022 under
sections 341, 323, 324, 379, 308 and 504/34 of the Indian Penal
Code.

As per the prosecution story, the allegation is that
due to land dispute, the accused became aggressor and in the
process, the allegation against the petitioner no.2 is of giving
knife blow on the hand of the Amod Patel. When the informant



went to save him, one Sunil Kumar also assaulted him as also his son. Further allegation is of taking away mobile and gold chain. Accordingly, the FIR.

Learned counsel for the petitioners submit that omnibus allegation is against the petitioner no.1, Shailendra Patel. So far as the allegation against the petitioner no. 2 is concerned, although the allegation of giving knife injury, the same has been found to be simple in nature as per the observation of the learned Sessions Judge.

The further submission is that without accepting the allegation and the outcome of the present petition, the petitioners intend to pay Rs. 10,000/- as medical assistance to Amod Patel 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 injured Amod Patel after checking the credential.

Taking into account the aforesaid fact that none of the petitioners have criminal antecedents, the allegation of assault is there on petitioner no.2, as per the observation of the learned Sessions Judge, the same has 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/-



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, East Champaran at Motihari, in connection with Piprakothi P.S. Case No. 179 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(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;

(iii) 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;



(iv) 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.

(Rajiv Roy, J)

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