

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5039 of 2024

Arising Out of PS. Case No.-161 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. RAHUL KUMAR SON OF BINDU PATEL RESIDENT OF VILLAGE -
CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT - EAST
CHAMPARAN
 2. ABHAY PATEL @ ABHAY KUMAR SON OF BINDU PATEL RESIDENT
OF VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT -
EAST CHAMPARAN
 3. BINDU PATEL SON OF BHAGWAN RAUT RESIDENT OF VILLAGE -
CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT - EAST
CHAMPARAN
 4. VIJAY PATEL SON OF BHAGWAN RAUT RESIDENT OF VILLAGE -
CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT - EAST
CHAMPARAN
 5. CHHOTELAL PATEL SON OF BHAGWAN RAUT RESIDENT OF
VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT - EAST
CHAMPARAN
 6. KISHAN PATEL @ KISHAN KUMAR SON OF CHOTELAL PATEL
RESIDENT OF VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI,
DISTRICT - EAST CHAMPARAN
 7. BIPUL PATEL @ BIPUL KUMAR SON OF SHAMBHU PATEL
RESIDENT OF VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI,
DISTRICT - EAST CHAMPARAN
 8. PINTU PATEL @ PINTU KUMAR SON OF BINDU PATEL RESIDENT
OF VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT -
EAST CHAMPARAN
 9. SONU PATEL @ SONU KUMAR SON OF VIJAY PATEL RESIDENT OF
VILLAGE - CHANDMARI, P.S. - TOWN MOTIHARI, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024

At the outset, learned Counsel for the petitioners



submit that in view of the allegation that has come against the petitioner no. 1, Rahul Kumar and petitioner no. 6, Kishan Patel @ Kishan Kumar (who has also criminal antecedent), they shall be moving for bail.

2. The petition against petitioner no. 1, Rahul Kumar and petitioner no. 6, Kishan Patel @ Kishan Kumar stand rejected.

3. Heard learned Counsel for the petitioners and learned APP for the State.

4. The anticipatory bail application is restricted to petitioner nos. 2 to 5 and petitioner nos. 7 to 9 who apprehend their arrest in connection with Motihari Town P.S. Case No. 161 of 2019, G.R. Case No. 1500 of 2019 for the offence registered under sections 341, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 07.03.2019 by the informant Kumar Sanjeev.

5. As per the prosecution story, the allegation in the FIR is that forming unlawful assembly, they came to the house of the informant and Bindu Patel who was having *sword* in his hand handed it over to Rahul Kumar who gave repeated *sword* blow to the informant, causing injuries on his knee.

6. Further allegation against other accused persons is



of assault. So far as the petitioner no. 6 is concerned, he snatched the gold chain from the neck of the informant. Accordingly, the FIR.

7. Learned Counsel for the petitioners submit that a bare perusal of the FIR would show that omnibus allegation against other accused persons have been made and further to make the allegation graver, the snatching story has been added, they do not have criminal antecedent.

8. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

9. Taking into account the submissions put forward by the parties as also the allegations which are omnibus in nature and the petitioner nos. 2 to 5 namely, Abhay Patel @ Abhay Kumar, Bindu Patel, Vijay Patel, Chhotelal Patel and petitioner nos. 7 to 9, namely, Bipul Patel @ Bipul Kumar, Pintu Patel @ Pintu Kumar and Sonu Patel @ Sonu Kumar do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

10. Let the petitioner nos. 2 to 5 namely, Abhay Patel @ Abhay Kumar, Bindu Patel, Vijay Patel, Chhotelal Patel and petitioner nos. 7 to 9, namely, Bipul Patel @ Bipul Kumar, Pintu Patel @ Pintu Kumar and Sonu Patel @ Sonu Kumar in the



event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Motihari Town P.S. Case No. 161 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 2 to 5 and 7 to 9, who shall provide official document to show their *bona fide*;

(ii) the petitioner nos. 2 to 5 and 7 to 9 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 petitioner nos. 2 to 5 and 7 to 9 shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner nos. 2 to 5 and 7 to 9 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 their bail bonds;

(v) the petitioner nos. 2 to 5 and 7 to 9 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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