

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.558 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- BAGHA District- West Champaran

1. Ramakant Patel S/O Late Lalparikhan Patel @ Ram Parikhan Patel
2. Prbhakr Patel @ Prabhakar Patel S/O Ramakant Patel
3. Laxmina Devi W/O Prbhakar Patel @ Prabhakar Patel
4. Sima Prabhakar @ Seema Devi W/O Deevakar Patel @ Diwakar Patel
5. Chandan Patel S/O Rama Kant Patel @ Diwakar Patel @ Deevakar Patel,
All R/O Ward No.-4, Shivrajpur, Padar Khap, P.S- Bairoganj, Distt.- West
Champaran.-845101

... .. Appellant/s

Versus

1. The State of Bihar
2. Sugandhi Devi W/O Suresh Ram R/O Village- Shivrajpur, P.S- Bhairoganj,
Distt.-w Est Champaran, Bihar-845101.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Gupta, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-03-2024 1. The learned counsel for the appellants at the outset seeks permission to withdraw the present appeal with respect to appellant no.1, Ramakant Patel, appellant no.2 Prabhakar Patel @ Prabhakar Patel and appellant no.5, Chandan Patel.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against appellant no.1, Ramakant Patel, appellant no.2 Prbhakar Patel @ Prabhakar Patel and appellant no.5, Chandan Patel.



4. Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

5. The appellants have challenged the order dated 10.01.2024 passed by the learned Additional District and Sessions Judge, Ist-cum-Special Judge (SC & ST), Bettiah, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No.460 of 2023 instituted for the offences under Sections 341, 323, 324, 504, 506, 509/34 of the IPC and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel for the appellants submit that appellants are women and a person with clean antecedent. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land the present occurrence is alleged to have taken place, but then the allegation of assault and abuse is general and omnibus in nature that is not specific and as far as allegation of assaulting the injured by axe is concerned the same is alleged against Prabhakar Patel. It is further submitted that on account of dispute relating to land the entire family members including the women of the family have been implicated.

7. The learned Special P.P. opposes the anticipatory



bail application.

8. Regard being had to the aforesaid submissions, the order dated 10.01.2024 is set aside.

9. The appeal stands allowed.

10. The appellants above named, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5,000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Ist-cum-Special Judge (SC & ST), Bettiah, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No.460 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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