

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66941 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- CHAKIA District- East Champaran

1. Ajay Pathak @ Abhay Pathak @ Abhay Kumar S/O Lalaln Pathak R/O Village- Rampur Gopal, P.S- Chakia, Dist.- East Champaran.
2. Deepak Kumar @ Deepak Pathak S/O Lalan Pathak R/O Village- Rampur Gopal, P.S- Chakia, Dist.- East Champaran.
3. Vijay Kumar @ Bikash Kumar @ Vijay Pathak S/O Lalan Pathak R/O Village- Rampur Gopal, P.S- Chakia, Dist.- East Champaran.
4. Lalan Pathak S/O Late Kapildev Pathak R/O Village- Rampur Gopal, P.S- Chakia, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This application, for grant of anticipatory bail arises out of Chakia P.S. Case No. 172 of 2024, disclosing offences under Sections 341, 323, 324, 307, 354, 379, 504 and 34 of the I.P.C.

3. The prosecution case, as per the F.I.R. is that on 16.06.2024, when the informant was sitting at her door, in the meanwhile, petitioners along with other accused persons arrived

there with iron rod and other weapons in their hands and petitioner no. 1 assaulted the informant with *farsa* on her head. Petitioner nos. 2 and 3 assaulted her with rod and petitioner no. 4 torn the cloth of the informant in order to outrage her modesty. It has further been alleged that petitioner nos. 1 and 3 also snatched gold *Mangalsutra* as well as ear tops worth about Rs.50,000/- from the informant.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to previous land dispute between the parties. The informant is co-sharer of the petitioners and due to land dispute, the petitioners were made accused. A civil suit bearing Title Suit No. 4 of 2019 is pending between the parties in Civil Court, Motihari. The injury caused to the informant is simple in nature as would be evident from Annexure-2.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates having land dispute and the injury caused to the informant is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of

their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with Chakia P.S. Case No. 172 of 2024, subject to the condition laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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