

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80513 of 2024

Arising Out of PS. Case No.-262 Year-2024 Thana- BAIRIYA District- West Champaran

1. Rupesh Patel S/o Ramesh Patel R/o Village - Bhitaha Mathiya, Ward No 6, PS- Bairiya, District- West Champaran
2. Murari Patel S/o Sudama Patel R/o Village - Bhitaha Mathiya, Ward No 6, PS- Bairiya, District- West Champaran
3. Deepak Patel S/o Vinod Prasad R/o Village - Bhitaha Mathiya, Ward No 6, PS- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-12-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Bairiya Police Station Case No. 262 of 2024, disclosing offences under Sections 191, 190, 126, 115, 118, 117, 109, 303, 324, 352 of the BNS.

3. As per the prosecution story, on 09.08.2024, at about 7:00 pm, when informant's son Sandeep Kumar and other family members were returning home then petitioners along with other co-accused persons gathered having weapons in their hands near their house with intention to kill informant's son. It is alleged that petitioners along with other accused persons assaulted the informant and his family members by means of



iron rod and sword when they were returning from the fair. It is also alleged that accused persons started pelting stones on the informant and his family members when they came near their house, due to which informant's motorcycle got damaged. One Ajay Patel with spear in his hands and petitioner no. 3 with sword assaulted informant's son, Wakil Patel, Surendra Patel and other family members due to which Wakil Patel sustained head injury. It is also alleged that petitioner no. 2 and Sunil Patel snatched Rs. 20,000/- from the pocket of the informant and golden chain worth Rs. 30,000/- from the neck of the informant.

4. Learned counsel for the petitioners submits that both the parties are agnates and petitioners have falsely been implicated in the present case due to previous land dispute between the parties. There is a counter case lodged from the side of the petitioners bearing Bairiya P.S. Case No. 276 of 2024 alleging therein that informant and other persons brutally assaulted the members of the petitioner's side and looted their house. There is no specific allegation against the petitioners of causing any injury to any of the injured persons. The allegation against the petitioners are general and omnibus in nature. Petitioners are in custody since 10.08.2024.

5. Regards being had to the submissions made by the



parties and taking into consideration the fact that the petitioners are in custody since 10.08.2024, case and counter case is also there and there is no likelihood that the petitioners will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

6. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate 3rd, Bettiah, West Champaran, in connection to the Bairiya Police Station Case No. 262 of 2024, disclosing offences under Sections 420, 409 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act, 1988.

7. This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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