

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80021 of 2024

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

1. Ajay Patel S/O Suresh Patel R/O Village - Bhitaha Mathiya, Ward No - 6, P.S - Bairiya , District- West Champaran.
2. Abhay Patel S/O Ajay Patel R/O Village - Bhitaha Mathiya, Ward No - 6, P.S - Bairiya , District- West Champaran.
3. Sanjay Patel @ Sanjay Kumar S/O Dwarika Patel R/O Village - Bhitaha Mathiya, Ward No - 6, P.S - Bairiya , District- West Champaran.
4. Golu Patel S/O Ashok Patel R/O Village - Bhitaha Mathiya, Ward No - 6, P.S - Bairiya , District- West Champaran.
5. Sunil Patel S/O Lalji Patel R/O Village - Bhitaha Mathiya, Ward No - 6, P.S - 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

- 2 09-12-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bairiya Police Station Case No. 262 of 2024, dated 09.08.2024, disclosing offences punishable under Sections 191/190/126/1158/118/117/109/303/324/352 of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that while the informant, along with his son and other



family members, were returning home, the FIR-named accused persons surrounded them and assaulted them by lathi, farsha, sword, spear etc., due to which they sustained injuries. The allegation against the petitioner no. 1 is that he assaulted the son of the informant by means of farsha on his hand. The allegation against petitioner nos. 2 to 4 is that they assaulted Surendra Patel by means of iron-rod, lathi and danda, due to which he sustained injuries on his head.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to land dispute and previous enmity. A counter case has been lodged by the side of the petitioners against the informant and others, bearing Bairiya Police Station Case No. 276 of 2024. The injury caused to Birendra Patel is simple in nature whereas the opinion on the injuries caused to Sandeep Kumar and Surendra Patel, has been reserved by the doctor. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court, vide order, dated 03.12.2024, passed in Criminal Misc. No. 78182 of 2024.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that there is land dispute and previous enmity between the parties, there is case and counter case and similarly situated co-accused persons have been granted anticipatory bail by this Court, 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 a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Bairiya Police Station Case No. 262 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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