

**IN THE COURT OF SESSIONS JUDGE, WEST CHAMPARAN
CAMP COURT BAGAHA**

A.B.P. No. 775 (C) of 2022

<u>04.02.2023</u>	Heard, Shri Manoj Kumar Giri, learned counsel for the petitioners and the learned Public Prosecutor in-charge, on the anticipatory bail petition filed on behalf of the petitioners namely 1. Haribansh Patel, 2. Kishori Patel, 3. Bechu Patel, 4. Anil Patel, 5. Ravindra Patel, 6. Ritlal Patel, 7. Ashish Patel, 8. Fulena Patel, 9. Dhanu Patel and 10. Pradeep Patel. The petitioners are apprehending their arrest in Dhanaha P.S. Case No. 275 of 2022, registered u/s 147, 148, 149, 341, 323, 324, 325, 307, 427, 379, 506 of the I.P.C. The case of the prosecution in brief is that on 21.11.2022 at about 10:00 p.m.. when the informant was returning from a Tilak ceremony and reached near the house of accused persons then all the F.I.R. named accused persons including the petitioner armed with weapons came there. The accused Mahendra Patel stopped the motorcycle of the informant and ordered to kill him, upon which all the accused persons started assaulting him. The co-accused Mahendra Patel, Ramayan Patel, Dinesh Patel and Ramji Patel inflicted sharp edged weapon over the head of the informant due to which he sustained three head injury. The accused petitioners Anil Patel, Ritlal Patel and Harivansh Patel assaulted the informant with Lathi over his both hand and fractured his both hands. The petitioner Pradeep Patel and accused Randheer Patel in inflicted Bhala in both thigh of the informant. The petitioner Ravindra Patel and the accused Kishna Patel snatched gold chain and Rs. 10,000/- from the pocket of the informant. All the accused persons assaulted the informant and caused him injured and they also damaged	Continued at Pg. No. 02
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the H.F. Deluxe motorcycle of the informant bearing registration No. U.P.57AD-5368 and took away the paper of motorcycle after breaking the Dickey. The bone of contention is that the accused persons were pressurizing the informant for withdrawal of Dhanaha P.S. Case No. 219/2022.

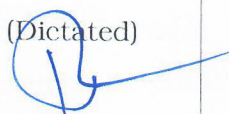
It has been submitted on behalf of the petitioner that the petitioners are innocent and have not committed any offence and has been falsely implicated in this case due to ulterior motive and dirty village politics. The alleged offences are bailable in nature save and except section 307 of the I.P.C. which is not attributed against the petitioners. There is land dispute between the informant and the petitioners. The petitioners are apprehending their arrest.

Learned Public Prosecutor in-charge has opposed the prayer of bail.

Heard both the sides and perused the record. From the perusal of the record it appears that petitioners ^{were} ~~are~~ members of unlawful assembly and composite allegation of assault by Lathi, Bhala and sharp cutting weapon is levelled against them. The injury report shows that eight injuries are found on the person of the informant and some of them are on head. Fracture of frontal bone of scalp and fracture on both hands are also found. The petitioners have criminal antecedent.

Thus, under the facts and circumstances of the case and the nature of the allegation levelled, I am of the view that this is not a fit case for anticipatory bail. Hence, the prayer for bail made on behalf of the petitioners is hereby rejected.

(Dictated)


Sessions Judge