**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.44092 of 2017**

Arising Out of PS.Case No. -243 Year- 2017 Thana -KATIHAR District- KATIHAR

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Hiralal Gupta, Son of Nawlal Sah, Resident of Argara Chowk, P.S.-Katihar Town, District-Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Bikram Kumar, Son of Bal Krishna Sah.
3. Binay Kumar Sah @ Binay Kumar @ Bijay Kumar Sah @ Bijay Kumar, Son of Bal Krishna Sah.

Both 2 and 3 are Resident of Village-Mofarganj, Argara Chowk, P.S.-Katihar Town, District-Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2 21-02-2018 The opposite party Nos. 2 and 3 had prayed for anticipatory bail before this Court, which was rejected *vide* order dated 13.07.2017, passed by a Bench of this Court in Cr. Misc. No. 31664 of 2017. However, it was observed by the aforesaid Bench that the petitioners, if so advised, may surrender before the court below and pray for regular bail, which shall be considered by the learned Magistrate, taking

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into consideration the entire materials available on record as well as the fact that the parties are agnates and the petitioners are students, which fact was also directed to be verified.

The opposite party Nos. 2 and 3, thereafter, surrendered before the learned Magistrate and prayed for bail, which was rejected. Thereafter, they preferred bail application before the learned Sessions Judge, Katihar *vide* Bail Application No. 700 of 2017. The learned Sessions Judge, taking into account that the opposite party Nos. 2 and 3 were students and were in custody since 28.07.2017, granted bail to them. While granting bail to the opposite party Nos. 2 and 3, the court below also took into account that there was a counter case between the parties who are agnates. The opposite party Nos. 2 and 3 were stated to be students and it was claimed that the injuries were simple in nature.

Learned counsel for the petitioner has submitted that out of the five injuries suffered by the victim, three were not simple.

However, on reading the injury report, it appears that those injuries were stated to be grievous because of the fracture suffered by the victim/informant/petitioner.

However, considering the fact that the petitioners

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are students and the dispute was between the *gotias* for which there is another version of the occurrence as well, this Court is not inclined to interfere with the order granting bail to the opposite party Nos. 2 and 3.

As such, the present petition is dismissed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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