

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37817 of 2018**

Arising Out of PS.Case No. -362 Year- 2017 Thana -KESARIA District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Gopal Prasad Yadav @ Gopal Rai, S/o Yogi Rai,
  2. Jatahi Devi W/o Kameshwar Rai,
  3. Bhagiya Kuer W/o Baidya Nath Rai, All are R/o Vill.- Sundrapur, P.S.-  
Kesariya, District- East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

ORAL ORDER

02/ 03-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest  
in a case registered for the offences punishable under Sections  
341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report  
of Kanhaiya Kumar submitted to the Station House Officer,  
Kesariya P.S. is to the effect that co-villager Kameshwar Rai  
purchased the trailer of the tractor from the informant four  
months prior to the lodging of the case for consideration amount  
of Rs.56,000/-, out of which Rs.52,000/- was paid but Rs.4,000/-



was not paid and for getting the same on 19.12.2017 at 9.00 A.M. the informant went to the door of Kameshwar Rai and when he reached, Kameshwar Rai, Gopal Rai, mother and wife of Kameshwar Rai started abusing the informant. On protest being made all the accused persons assaulted the informant. Kameshwar Rai assaulted with Farsa on the head of the informant causing bleeding injury as a result informant got unconscious and taken to the Kesariya hospital.

It is submitted by learned counsel for the petitioners that the specific accusation of assault has not been levelled against the petitioners. There is a counter version of the occurrence being Kesariya P.S. Case No. 363 of 2017 registered under Sections 147, 149, 447, 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the fact that there is no specific accusation of assault against the petitioners and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today,



on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIth, East Champaran at Motihari in connection with Kesariya P.S. Case No. 362 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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