

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19874 of 2019

Arising Out of PS. Case No.-252 Year-2018 Thana- MAJHAULIA District- West Champaran

1. UMESH KUMAR Son of Babulal Mukhiya Resident of Village-Bathana, Police Station-Majhauria, District-West Champaran.
2. Babulal Mukhiya Son of Doma Mukhiya Resident of Village-Bathana, Police Station-Majhauria, District-West Champaran.
3. Kalawati Devi Wife of Babulal Mukhiya Resident of Village-Bathana, Police Station-Majhauria, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basistha Narayan Mishra
		Mr. Brij Kishor Mishra
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-07-2019 Heard learned Counsel for the petitioner no. 1 and 2
and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Majhauria Police Station Case No. 252 of 2018, disclosing offences under Sections 341/323/324/307/379/504/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other accused persons, assaulted the informant and his family members, causing injuries to them.

Learned Counsel for the petitioners submits that both the parties belong to the same village and there is dispute



between them on trivial issue. He further submits that there is case and counter case inasmuch as petitioner no. 1 has lodged Majhaulia Police Station Case No. 283 of 2018 for the same incident and one person on the side of the petitioners is also injured. He further submits that the injuries caused to all the four persons on the side of the informant are found to be simple in nature.

After having heard learned Counsel for the parties and taking into consideration the fact that there is case and counter case and parties belong to the same village and the injuries are found to be simple in nature, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner nos. 1 and 2, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Majhaulia Police Station Case No. 252 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners



shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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