

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40141 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- VISHAMBHARPUR District- Gopalganj

1. GUDDU PRASAD @ GUDDU PAL Son of Ram Kishun Prasad Resident of Village - Jamuniya, P.S.- Vishambharpur, District- Gopalganj
2. Sita Ram Prasad @ Sita Ram Pal Son of Late Prichham Pal Resident of Village - Jamuniya, P.S.- Vishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shanker Prasad
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2019 Heard both sides.

The petitioners apprehend their arrest in Vishambharpur P.S. case No. 31 of 2019 registered under Section 341, 323, 324, 307, 379/34 of the IPC.

The informant alleged that she goat of Sitaram Prasad grazed his vegetable plantation. When the informant went to complain the accused persons, having armed with different weapons, assaulted the informant and his brother, Binod Prasad.

The learned counsel for the petitioners submits that from the side of petitioners Vishambharpur P.S. case No. 30 of 2019 was registered u/s 323, 354 and other minor Sections of the IPC. It is further submitted that on account of grazing of vegetable plants some verbal altercation and mutual assault took place between two sides in which from the side of petitioners many persons were injured. Of course, the informant got five injuries, out of which two are sharp cut, but all the injuries are



simple in nature. Binod Prasad also got two injuries but both injuries are simple in nature. No case u/s 307 of the IPC is made out.

Taking into consideration the facts that there is case and counter case and there appears that both sides over dispute of grazing vegetable plantation entered into mutual assault with each other but the injuries sustained by the informant and his brother are simple in nature, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Vishambharpur P.S. case No. 31 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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