

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44062 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- KALYANPUR District- East Champaran

1. RAJAN SHUKLA @ RAJAN KUMAR SHUKLA, aged about 35 years, Male son of Sunit Shukla.
2. Dhiraj Kumar Shukla, aged about 30 years, Male, son of Sunit Shukla.
3. Babloo Kumar, aged about 32 years, Male, son of Sunit Shukla.
4. Sunit Shukla @ Sumit Kumar Shukla @ Sunit Shukla, aged about 55 years, Male, Son of Late Ram Narayan Shukla
All resident of Bahlolpur, P.S-Kalyanpur, District-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-09-2019 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in

connection with Kalyanpur P.S. Case No. 285/2018

registered under Sections 341, 323, 307, 504, 379, 34 of the

Indian Penal Code.

Learned counsel for the petitioners submits that

there is a case and counter case of the alleged occurrence.

The first case being Chakia Kalyanpur P.S. Case No.
284/2018 had been lodged by one of the petitioners namely

Babloo Kumar against the informant and others. This is the



second case being Chakia Kalyanpur P.S. Case No. 285/2018 which has been lodged by Rajeshwar Dubey.

The allegation as disclosed in the present F.I.R. is that these petitioners had actively participated in the alleged occurrence and had badly assaulted the petitioners and one Vikash Dubey. So far as the allegation of assault on the son of the informant is concerned, the same is made against the co-accused Durgesh Dubey and Sunil Dubey who are not before this court in the present application. Learned counsel submits that till now no injury report of Vikash Dubey is available on the record.

This fact has been accepted by learned A.P.P. for the State, as according to him, on perusal of the case diary no injury report of the Vikash Dubey can be found. So far as the injury on the body of the informant is concerned, there is only one external injury, therefore it is submitted that the allegations that all the accused persons had assaulted the informant by *Maudi* and *Daab* are not supported by the injury report.

Learned counsel for the petitioners has also placed before this court a certified copy of the order dated



06.03.2019 passed by learned 13th Additional Sessions Judge, East Champaran, Motihari in ABP No. 153/2019, whereby the accused Rishu Kumar Dubey @ Rishu Kumar and Rajeshwar Dubey, in the case lodged by petitioner no. 3 of this case, have been granted privilege of anticipatory bail. A perusal thereof shows that the court below had noticed the injury report of Babloo Shukla and Sunil Dubey who are accused in this case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case whereunder there seems a free fight between the parties and both the parties have injured in assaulting each other as also that there is no injury report of Vikash Dubey and the injury found on the body of the informant is not supporting the allegation that all the accused persons had assaulted him, let the petitioners above-named, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction



of learned A.C.J.M. - 9, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 285/2018, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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