

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51781 of 2019

Arising Out of PS. Case No.-415 Year-2018 Thana- BAIRIYA District- West Champaran

1. Garib Patel, Aged about 23 years, Male, Son of Shankar Patel, Resident of Village - Chautariya Tola, P.S.- Bairiya, Dist.- West Champaran.
2. Surat Patel, Aged about 40 years, Male, Son of Late Durga Patel, Resident of Village - Chautariya Tola, P.S.- Bairiya, Dist.- West Champaran.
3. Raghu Patel @ Raghu Kumar Patel, Aged about 20 years, Male, Son of Surat Patel, Resident of Village Chautariya Tola, P.S. Bairiya, District West Champaran.
4. Ambika Patel, Aged about 38 years, Male, Son of Late Durga Patel, Resident of Village Chautariya Tola, P.S. Bairiya, Dist.- West Champaran.
5. Manju Devi, Aged about 60 years, Female, Wife of Shankar Patel, Resident of Village - Chautariya Tola, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-08-2019 Heard both sides.

Petitioners apprehend their arrest in Bairiya P.S. Case No.415 of 2018, registered under Sections 341, 323, 324, 307, 354, 380, 504 and 34 of the Indian Penal Code.

Janak Yadav, the informant named eight persons including the five petitioners and alleged that they all having armed with weapons entered inside the house after breaking the door. Garib Patel, petitioner no.1 is alleged to have assaulted the informant with *farsa* on his head. When the sister of the



informant came to save, she also got injury on her head. Raghu Patel, petitioner no.3 and Uma Patel pressed neck of the informant and all the accused persons assaulted him. It is further alleged that the accused persons took away Rs.3,00,000/- and ornaments from the house of the informant. The accused persons assaulted other family members of the informant.

Learned counsel for the petitioners submits that there is a counter version being Bairiya P.S. Case No.418 of 2018. The occurrence took place on account of the fact that the children of the two families were igniting fire crackers causing scare to the animals. From the side of the petitioners grievous injury was sustained. It is further submitted that the injuries of the injured persons, Janak Yadav, the informant and others are annexed as Annexure-2 series and it would appear that Janak Yadav, Lalpari Devi, wife of Surendra Yadav, Sona Devi, wife of Chandeshwar Yadav all got simple injuries.

It appears that there is a case and counter case and on account of igniting fire crackers by the children, quarrel took place between the two sides in which both the sides appears to have indulged into mutual assault on each other in which from the side of the informant, the injured got simple injuries.

Taking into consideration the facts aforesaid, let



petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Bettiah, West Champaran in connection with Bairiya P.S. Case No.415 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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