

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45283 of 2019

Arising Out of PS. Case No.-335 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. Mukesh Kumar @ Ajay Kumar Son of Khedu Sah, Resident of Village -Kolhuarwa, P.S.- Motihari Town, Distt - East Champaran, Motihari.
 2. Ranjit Kumar @ Ranjit Prasad Son of Khedu Sah, Resident of Village -Kolhuarwa, P.S.- Motihari Town, Distt - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-07-2019 Heard both sides.

Petitioners apprehend their arrest in Motihari Town
P.S. Case No.335 of 2019 registered under Sections 307, 379
and other sections of the Indian Penal Code.

The informant named the petitioners along with other
accused persons and alleged that they all having armed with
different weapons in their hands came near her house and
abused her son Munna Kumar. Triveni Kumar, who was armed
with khanti and Subhash Kumar, who was armed with khurpi
assaulted Munna Kumar on his head with khanti and khurpi.
When second son of informant, namely, Anil Kumar came to
save, Triveni Kumar is alleged to have caught him and Mukesh



Kumar and Ranjit Kumar (petitioners) tied rope around his neck and pulled him. Anil Kumar became unconscious and fell down. It is further alleged that the accused persons also assaulted the informant and took away mangal sutra etc.

Learned counsel for the petitioners submits that the petitioners are next door neighbours of the informant. There is a land dispute with regard to the flow of drainage. From the side of the petitioners, a complaint case is filed. The petitioners are alleged to have tied rope around the neck of Anil Kumar but from perusal of the injury report as discussed in the order of learned Sessions Judge, it would appear that two injuries i.e. abrasion on lower lip inner part and multiple abrasion on left side of neck were found and the injuries do not suggest that the rope was tied around the neck of Anil Kumar. Both injuries found on the person of Anil Kumar are simple in nature. Munna Kumar also got two injuries i.e. incised wound and lacerated wound but both injuries are simple in nature, although the petitioners are not the assailants of Munna Kumar or the informant.

Having considered the facts that the petitioners are although alleged to have tied rope around the neck of Anil Kumar but the injury found on left side of neck of Anil Kumar



opined to be simple in nature and there appears that the dispute took place due to flow of drainage between two neighbours, the above named petitioners, in the event of their arrest or surrender before the learned 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Motihari Town P.S. Case No.335 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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