

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29247 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- CHOUTARWA District- West
Champaran

-
-
1. NATHUNI SONAR Son of Late Lallan Sonar Resident of Village- Ratwal, P.S.- Chautarwa, District- West Champaran.
 2. Heera Sonar Son of Nathuni Sonar Resident of Village- Ratwal, P.S.- Chautarwa, District- West Champaran.
 3. Moti Sonar Son of Nathuni Sonar Resident of Village- Ratwal, P.S.- Chautarwa, District- West Champaran.
 4. Madhuri Devi Wife of Nathuni Sonar Resident of Village- Ratwal, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramesh Sonar Son of Jagganath Sonar Resident of Village- Ratawal, P.S.- Chautarwa, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sarojanand Kumar, Adv
For the Opposite Party/s :	Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 22-10-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners submit that that he does not intend to press this application so far it relates to petitioner nos. 3 and 4, as petitioner no. 4 had died and petitioner no. 3 has been arrested, as such, the present petition so far it relates to petitioner nos. 3 and 4 has become infructuous.

Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379,

504, 506/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 16.08.2020 at about 8:30 am, when Informant came out of his house he saw Nathuni Sonar flowing drainage water on the road and when he stopped him from doing so then Nathuni Sonar (petitioner no. 1) ordered to kill him and thereafter Heera Sonar (petitioner no. 2) assaulted him by means of *farsa* on his head on account of which he sustained head injury and thereafter Moti Sonar having *rama* in his hand assaulted him on his head from back on account of which he suffered head injury.

It is submitted by learned counsel for the petitioner nos. 1 and 2 that they are innocent and have been falsely implicated in this case due to land dispute. Both parties are agnates. This case is counter version of Choutarwa P.S. Case No. 323 of 2020 in which Heera Sonar and Moti Sonar have also received injuries.

Petitioner nos. 1 and 2 have got no criminal antecedent.

The learned Additional Sessions Judge has observed that the injury report shows lacerated wound over right part of temporal region on the person of the Informant which is grievous in nature.

As there is direction allegation against petitioner no. 2 of

assaulting the Informant by means of *farsa* and injury is stated to be grievous in nature, as such, I am not inclined to enlarge petitioner no. 2 on anticipatory bail.

Hence, the prayer for anticipatory bail of petitioner no. 2 is hereby rejected.

So far as petitioner no. 1 is concerned, as there is no allegation of assault against **petitioner no. 1**, let he be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Chautarwa P.S. Case No. 322 of 2020**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--