

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40710 of 2020**

Arising Out of PS. Case No.-104 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. Shyamlal Kushwaha, S/o Late Suryanath Kushwaha
  2. Hanuman Kushwaha, S/o Shyamlal Kushwaha
  3. Bharat Kushwaha, S/o Shyamlal Kushwaha
  4. Brajesh Kushwaha, S/o Shyamlal Kushwaha

All are resident of Village-Deokali, P.S.-Mohania, Distt.-Kaimur.

5. Ramlal Kushwaha, S/o Late Kailash Kushwaha, resident of Village-Tenaura, P.S.-Chainpur, District-Kaimur (Bhabua) & Village-Akhalaspur, P.S.-Bhabua, at present Patna Mohania Mod, P.S.-Mohania, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Shankar Sahay, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      23-06-2021                      Mr. Ravi Shankar Sahay, the learned Advocate for the petitioners seeks permission to withdraw the application with respect to petitioner Nos. 1, 4 and 5, viz., Shyamlal Kushwaha, Brajesh Kushwaha and Ramlal Kushwaha as they have been arrested.



Permission is granted.

The application with respect to above-named petitioner Nos. 1, 4 and 5 stands dismissed as withdrawn as having become infructuous.

Heard the counsel for the parties.

The petitioner Nos. 2 and 3, viz., Hanuman Kushwaha and Bharat Kushwaha seek bail in anticipation of their arrest in connection with Mohania P.S. Case No. 104 of 2020, instituted for the offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The accusation against all the accused persons including the petitioner Nos. 2 and 3 is of assaulting the father of the informant by various weapons, all of which are stated to be in the nature of hard and blunt substance.

The father of the informant has received injuries. However, the dimensions of such injuries do not convey that those injuries can at all be said to be grievous; notwithstanding the fact that they are on the vital portion of the body of the injured.

It has been submitted on behalf of the petitioner



Nos. 2 and 3 that there is a counter case also and the persons from the side of the prosecution in the present case, who were made accused in that counter case, have been released on bail.

Regard being had to the facts afore-stated and taking into account the clean antecedent of the petitioner Nos. 2 and 3, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 104 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

**(Ashutosh Kumar, J)**

Praveen-II/-

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