

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5105 of 2021

Arising Out of PS. Case No.-398 Year-2018 Thana- BAIRIYA District- West Champaran

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1. Krishna Prasad, aged about 24 years, male, Son of Shri Ram Prasad
 2. Munni Devi, aged about 48 years, female, W/o Shri Ram Prasad
- Both are resident of Village-Dumariya, P.S.-Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 08-10-2021 Heard Mr. Anant Kumar Mishra, the learned Advocate for the petitioners and Md. Aslam Ansari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bairiya P.S. Case No. 398 of 2018, dated 29.10.2018, instituted for the offences under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal



Code.

It has been alleged in the F.I.R. that because of the land dispute between the parties and for the act of the informant in forbidding the accused persons including the petitioners from souring the maize crops, one Shri Ram Prasad assaulted him by means of a sharp cutting weapon on his head.

The petitioner No. 1 is not alleged to have done anything except for being present at the place of occurrence whereas the petitioner No. 2, who is the mother of petitioner No. 1, is said to have assaulted the informant by means of a sickle.

It has been submitted on behalf of the petitioners that the injury on the head of the informant is attributable to the assault by the father of petitioner No. 1 who has been granted regular bail by the Court below. The petitioner No. 1 is not specifically alleged to have assaulted the informant. The assault caused by the petitioner No. 2 has resulted in simple injury to the informant on his forearm.

Regard being had to the facts afore-stated and the



background enmity, the petitioners above-named, 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, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 398 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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