

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34979 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- SHEOHAR District- Sheohar

1. MUKUND KUMAR VERMA S/O RAMLAVLIN PRASAD R/VILLAGE-FATAHPUR, P.S. SHEOHAR, DISTRICT-SHEOHAR.
2. ABHISHEK NATH SAHAY @ ABHISHEK KUMAR @ GULSHAN S/O RAMANUJ PRASAD R/VILLAGE- FATAHPUR, P.S. SHEOHAR, DISTRICT-SHEOHAR.
3. RAMANUJ PRASAD S/O LATE GORAKHNATH SAHAY R/VILLAGE-FATAHPUR, P.S. SHEOHAR, DISTRICT-SHEOHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

Mr. Ravi Shankar Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 29-01-2022 Heard Mr. Devendra Kumar, learned Advocate for the petitioner and Mr. Ravi Shankar Sahay for the informant. The State is represented by Mr. Amitesh Kumar, learned APP for the State.

Mr. Kumar seeks permission to withdraw the application with respect to petitioner no. 1 (Mukund Kumar Verma), who has been arrested during the pendency of this anticipatory bail petition.

The application with respect to petitioner no. 1 is dismissed as having become infructuous.

The petitioners no. 2 and 3 seek bail in anticipation of their arrest in connection with Sheohar



P.S. Case No. 48 of 2021 dated 02.02.2021 instituted for the offences under Sections 341, 323, 307, 354(B), 379 and 504/34 of the Indian Penal Code.

The accusation in the FIR is that on the orders of Mukund Kumar Verma, the petitioners and another assaulted the informant, his cousin and the wife of his cousin as a result of which some of them have received injuries.

Learned counsel for the petitioners has drawn the attention of this Court to the fact that there is a counter version of the occurrence which has been lodged by petitioner no. 3 against the informant and others of the subject FIR. The allegation in the counter case is that the informant wanted to grab the land belonging to the petitioners and when a protest was made, the petitioners were attacked. Mukund Kumar Verma is said to have been injured in his eye whereas the petitioner no. 3 has received injuries on his head.

Mr. Sahay, on the other hand, has submitted that enmity is a double-edged sword and it only confirms that the petitioners were present at the time and place of occurrence and had participated in it.

From the impugned order, it has been pointed out that the nature of injury on one of the victims has not been assessed, pending further medical investigation



and one injury on another victim is stated to be grievous.

However, looking at the background facts viz. the case and the counter case and that the petitioners no. 2 and 3 are the agnates of the informant and they have also received injuries in the transaction, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 48 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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