

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 38860 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- BAIRIYA District- West Champaran

1. Sujeet Kumar, Son of Sunil Sah
 2. Pawan Kumar, S/o Sunil Sah
 3. Laxmina Devi, Wife of Sunil Sah @ Sunil Prasad
- All are resident of Village- Lakhani Bazar, Ward No.11, Police Station- Bairiya, District- West Champaran.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-03-2022 Heard learned counsel for the petitioners as well as
learned APP for the state.

The petitioner apprehends his arrest in connection with Bairiya P.S. Case No.193 of 2020 registered for the offence under Sections 341,323,325,307,504,34 of the Indian Penal Code.

Prosecution case in brief is that, the informant, namely, Navanit Kumar has given written application on 29.04.2020 at about 10:00 AM that he was sit at the door of his house then suddenly Sujeet Kumar, Pawan Kumar, Mithilesh Rao and Laxmina Devi, all accused persons came there and abused him then he objected after that they armed with weapons



and Mithilesh Rao told kill him, then Pawan came and caught him. Laxmina Devi who handover the Iron rod to commit blow Iron rod on the head then he save him but his right hand was broken. He fell down on the earth and shouted then Pawan Sah with *Gamchha* tied in his neck with intention of murdered and Laxmina Devi and Sujeet pressed the Gamchha. He was shouted then neighbour came and save him.

Learned counsel appearing on behalf of the petitioners submit that petitioners are innocent and have falsely been implicated in this case. He further submits that there is land dispute between the parties, which is the genesis of the alleged occurrence. Learned counsel for the petitioners submit that informant sustained three injuries on his person, but the said injuries are not on the vital part of the body and as such Section 307 of the IPC is not made out. He further submits that there is delay in lodging of the FIR. Petitioners have clean antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks



from today, is directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) 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.193 of 2020, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Prakash Narayan /-

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