

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31374 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- KANTI District- Muzaffarpur

1. MAHESH PRASAD Son of Sita Ram Prasad Resident of Village-Jamal Phulkahan, P.S.-Kanti (Panapur O.P.), District-Muzaffarpur.
2. Sitaram Prasad Son of Ram Bahadur Prasad Resident of Village-Jamal Phulkahan, P.S.-Kanti (Panapur O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 506, 379, 308, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are related to the informant, it is next submitted that petitioner no.2 is uncle of the informant and petitioner no.1 is cousin brother of the informant and on account of land dispute, the present occurrence took place, it is next submitted that allegation is of assault by petitioner no.1 causing fracture to the hand of the



informant and as far as petitioner no.2 is concerned, it is alleged that he assaulted by an iron rod to the brother of the informant causing injury in his eyes, it is further alleged that on account of assault, the brother of the informant lost his eyesight.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, from the side of the petitioners, Kanti (Panapur O.P.) P.S. case No. 207 of 2021 was instituted and persons from the side of the petitioners have also received injuries. Learned counsel next submits that the allegation that on account of assault made by petitioner no.2, the brother of the informant lost his eyesight is false and fabricated, the brother of the informant is a government school teacher and is teaching and has not lost his eyesight, it is next submitted that the assault on the informant is on non-vital part of the body.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant submits that he does not have instruction as to whether the brother of the informant lost his eyesight or not.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kanti (Panapur O.P.) P.S. Case No. 227 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned Trial Court below before accepting the bail bonds of the petitioner shall verify whether the brother of the informant lost his eyesight on account of assault or not. In the event, if it is found that he had not lost his eyesight then the present order shall be acted upon and if he lost his eyesight, then the present order shall not be acted upon

(Satyavrat Verma, J)

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