

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43841 of 2022

Arising Out of PS. Case No.-169 Year-2020 Thana- MADHUBAN District- East Champaran

1. AVANISH KUMAR @ AWNISH KUMAR Son of Lakhindra Singh Resident of Naurangiya Tola Dih, P.S.- Madhuban, District - East Champaran.
2. Ashutosh Kumar Son of Jitendra Singh Resident of Naurangiya Tola Dih, P.S.- Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325, 379, 504 of the IPC.

As per the prosecution case, 7 named accused persons including these two petitioners came at the door of the informant and assaulted the informant and three other persons on account of which the brother of the informant, Vijay Singh sustained four injuries out of which the head injury was grievous in nature. As per FIR, petitioner no. 1 assaulted on the chest of the informant with bhala and petitioner no. 2 assaulted



on the head of the informant with barchi.

Learned counsel appearing for the petitioners submits that injury caused by petitioner no. 2 is simple in nature. The allegation against the petitioners is general and omnibus and due to land dispute between the parties a fight took place in which both of them sustained injuries. Case and counter case. It was the informant side who were the aggressor and had assaulted several persons of the petitioners side for which Madhubani P.S. Case No. 152 of 2021 was registered against the informant. Petitioners have got no criminal antecedent.

Learned counsel appearing for the State vehemently opposes the prayer for bail and submits that petitioner no. 1 caused grievous injury.

Considering the grievous nature of injury caused by petitioner no. 1 the prayer for his bail is rejected with direction to surrender and seek regular bail which would be disposed on its own merit without being prejudiced by this order.

Considering the simple nature of injury caused by petitioner no.2, in the event of arrest/surrender within six weeks from today, let the petitioner no.2, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned CJM, East Champaran in connection with Madhuban
P.S. Case No. 169 of 2020 subject to the conditions laid down
under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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