

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62276 of 2021

Arising Out of PS. Case No.-374 Year-2021 Thana- MUFFASIL District- West Champaran

1. BASIR DEWAN @ WASHIR DEWAN Son of Late Eshak Dewan
2. BECHU DEWAN @ BACHHA DEWAN Son of Late Eshak Dewan
3. MOJAHIR DEWAN Son of Late Khalil Dewan
4. SAMAFROZ DEWAN Son of Late Khalil Dewan
5. SAHIB DEWAN @ SAHEB DEWAN @ SHAHIN HUSSAIN Son of Late Kalam Dewan

All are Resident of Village - Vishambharpur, Ward No.7, P.S.- Bettiah
(Muffasil), Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Informant	:	Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No. III, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioners, the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 and 354B of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 1 and 3 to 5 are persons with clean antecedent and petitioner no. 2 has antecedent of one case in which he is on bail.

The informant alleges that on 08.06.2021, at about 05:00 p.m., when his wife was leaving her house then Jahir



Dewan started abusing her and even acted inappropriately on account of which she became semi naked and started screaming on which the informant along with his two sons went to save her then Jahir Dewan assaulted Shakil Ahmad on his head by spear (Bhala) causing injury and he fell down on the ground, thereafter, Jahir Dewan again assaulted him on his right shoulder by Bhala causing injury and Shahid Dewan assaulted the second son (Saheb Hussain) of the informant by sword causing injury on head as a result of which he fell down on the ground and again he was assaulted by Shahid Dewan by sword cutting his finger. It is alleged that Mojahir Dewan assaulted the informant by lathi on his head causing injury and again Mojahir Dewan assaulted on his finger on account of which it fractured. Thereafter, Bacchu Dewan assaulted the wife of the informant by an iron rod on her thumb of the right leg and wrist causing injury. Thereafter, all the accused persons also assaulted them as detailed in the FIR.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and the FIR does not even remotely suggest that as to why the occurrence took place. It is next submitted that as far as petitioner no. 1, 4 and 5 are concerned, the allegation against



them is general and omnibus and as far as petitioner no. 2 is concerned, it is alleged that he assaulted the wife of the informant in the manner aforesaid and with regard to petitioner no. 3 is concerned, it is alleged that he assaulted the informant in the manner as aforesaid causing injury on his head and finger. It is next submitted that the injury suffered by the wife of the informant is simple in nature and as far as injury on the informant is concerned, the injury is on vital part of the body i.e. head is simple in nature and on the finger, it is stated to be grievous in nature. It is next submitted that the grievous injury is on non-vital part of the body. Learned counsel next submits that co-accused Jahir Dewan has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 20.06.2022 passed in Cr. Misc. No. 60170 of 2021.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that no reason or motive for the occurrence is alleged in the FIR and further co-accused Jahir Dewan has been granted anticipatory bail.

Learned counsel for the informant is also not in a position to rebut the submissions of the learned counsel for the



petitioners that the injury which is said to be grievous is on the non-vital part of the body.

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 Bettiah (Mufassil) P.S. Case No. 374 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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