

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67662 of 2021

Arising Out of PS. Case No.-181 Year-2021 Thana- MAIRWAN District- Siwan

1. RAM AYODHYA PATEL Son of Late Nageshwar Patel Resident of Village- Barka Manjha, P.s.- Mairwa, Distt.- Siwan.
2. SHESHNATH @ SHESHNATH PATEL Son of Baleshwar Patel Resident of Village- Barka Manjha, P.s.- Mairwa, Distt.- Siwan.
3. AMIT PATEL Son of Ramayodhya Patel Resident of Village- Barka Manjha, P.s.- Mairwa, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seeks anticipatory bail in Mairwa P.S. Case No. 181/2021, lodged under Sections 341/ 323/ 324/ 307/ 354/ 379/504/506/34 of the Indian Penal Code.

As per the allegation made in the F.I.R., the date of occurrence is 03.07.2021 at about 2:00 P.M. when accused persons along with others came to the house of the informant with deadly weapons. Allegation is upon petitioner no. 2, Sheshnath @ Sheshnath Patel, that he assaulted the informant



by *farsa* on his head, the allegation against the petitioner no. 1, Ram Ayodhya Patel, is to assault the daughter of the informant on her hand and allegation upon petitioner no. 3, Amit Patel was to assault on the hand of the informant daughter to which finger got fractured.

Learned counsel for the petitioners submitted that the present case is the counter blast case filed by the accused side against the informant side. He specifically mentioned that for the same occurrence dated 03.07.2021, the case was lodged on 04.07.2021 under section 341, 323, 324, 325, 307, 379, 504, 506/34 of the Indian Penal Code. The case of the accused side was numbered as Mairwa P.S. Case No. 178/2021 dated 04.07.2021 whereas the present case in which the petitioner seeks anticipatory bail was filed on 05.07.2021 bearing Mairwa P.S. Case No. 181/2021.

It has further been submitted that Annexure-2 contains the injury caused as per the injury report, the injury upon Susma Kumari caused by petitioner no. 1 was simple in nature whereas the injury alleged to be caused upon Seema Devi by Amit Patel is grievous in nature.

Considering this aspect also that from the accused side there is already a criminal case filed i.e. Mairwa PS. Case



No. 178/2021 on 04.07.2021 for the occurrence dated 03.07.2021 but for the same date and time of the occurrence, the informant side has filed the case after two days from the date of occurrence. It also transpires that both petitioners and informant side are close *gotias* and there is long pending civil dispute between them and upon considering that the injury caused to Susma Kumari is of simple nature.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VII, Siwan in connection with Mairwa P.S. Case No. 181/2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The anticipatory bail petition of petitioners no. 2 and 3 is hereby disposed off with a direction to the trial Court that both petitioners will surrender before the trial Court within 30 days and the trial court upon going through the injury report shall pass orders on bail in course of the day without prejudiced



that the bail application of two petitioners has not been allowed
by this Court.

(Dr. Anshuman, J)

Ranjeet/-

U		T	
---	--	---	--

