

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67235 of 2021

Arising Out of PS. Case No.-412 Year-2021 Thana- BRAHMPUR District- Buxar

Munna Kunwar, Son of Rajendra Kunwar, Resident of Village - Gayghat,
P.S.- Brahampur, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 69983 of 2021

Arising Out of PS. Case No.-412 Year-2021 Thana- BRAHMPUR District- Buxar

1. Rameshwar Kunwar, son of Late Ramdhari Kunwar
2. Ram Narayan Kunwar @ Chirkut Kunwar, son of Rameshwar Kunwar
Both petitioners are resident of Village - Gayghat, P.S.- Brahampur, District
- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67235 of 2021)

For the Petitioner/s : Mr.Vikram Deo Singh, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

(In CRIMINAL MISCELLANEOUS No. 69983 of 2021)

For the Petitioner/s : Mr.Vikram Deo Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioners in both these applications and learned A.P.Ps. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Brahampur P.S. Case No. 412 of 2021 registered for the offences punishable under Sections 341, 323, 447, 324, 307/34 of the Indian Penal Code. They are in custody 22.10.2021 having no criminal antecedent as stated in paragraph



‘3’ of these applications.

As per the prosecution story, the informant has alleged that on 02.08.2021 at about 5:45 – 6:00 A.M. while he was feeding cattle outside the door of his house he saw the accused persons including these petitioners lashed with iron raami (Khanti), Axe and spade and were planting the plant of flower in his land, he objected the same, thereafter scuffle took place and both sides have assaulted each other indiscriminately, as a result of which Mahesh Kunwar sustained injuries on his forehead, waist, skull, right ear, cheek and jaw and thereafter all the injured persons were taken to hospital for treatment.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there is case and counter case between the parties with respect to the occurrence and both sides have assaulted each other.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that there is case and counter case between the parties with respect to the occurrence which took place on 02.08.2021, both the parties seem to have assaulted each other, the petitioner in Cr. Misc. No. 67235/2021



has assaulted the informant Binod Kunwar by a lathi and that has caused a simple injury to Binod Kunwar, petitioner no. 2 (in Cr. Misc. No. 69983/2021) has assaulted Mahesh Kunwar and it is submitted that initially the injury of Mahesh Kunwar was said to be simple but later on he was treated at P.M.C.H. where his injury was found to be grievous in nature but the counter case shows that the petitioner Rameshwar Kunwar of Cr. Misc. No. 69983/2021 was also assaulted in which he has received injury, both the petitioners have remained in custody since 22.10.2021, investigation against them is complete, in the nature of dispute in which the alleged occurrence has taken place and the circumstances noted hereinabove, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Brahampur P.S. Case No. 412 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

