

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.882 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- LAURIA District- West Champaran

1. VIJAY SAH S/O RAJDEV SAH Resident of Village- Barwakala, P.S.- Lauriya, District- West Champaran, Bihar.
2. PRAMOD SAH S/O RAJDEV SAH Resident of Village- Barwakala, P.S.- Lauriya, District- West Champaran, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. DHARMENDRA MAJHI S/O KAWAL MAJHI Resident of Village- Barwakala, P.S.- Lauriya, District- West Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Kumar Gupta, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and the State.

The appellants have assailed the order dated 15.10.2022 passed by learned Additional District & Sessions Judge, Ist -cum-Special Judge (SC/ST), Bettiah, West Champaran by which the anticipatory bail application no.2848 of 2022 was rejected.

The appellants apprehend their arrest in connection with Lauriya P.S. Case No.287 of 2022 instituted under Sections 147, 149, 341, 342, 323, 324, 379, 504, 506 of the IPC and 3(i)



(r)(s) of the SC/ST Act lodged on 23.07.2022 by the informant, Niranjan Das.

As per the prosecution story, on 31.07.22 at about 7:30 am he alongwith his brother was preparing for paddy feed. In the meantime all accused persons in the background of land dispute armed variously came and claiming the field to be their property made obstruction and on protest and started assaulting Rajdev Sah caught hold of him and Vijay Sah assaulted by 'Bakua' on his nose causing injury. When his brother Munna Sah came to rescue Pramod Sah assaulted him by iron pipe and further his mother and niece also got assaulted. Rajdev snatched gold ear top of his mother. Accordingly the FIR was lodged.

Learned counsel for the appellants submits that there is case and counter case and further there is allegation of causing injury on the nose of the informant, the same have been found to be simple in nature. He has taken the attention of this Court to paragraph-17 in support of his case and the said para read as follows:

“17. That it is stated that there are injuries sustain by both side is 'Simple in Nature' cause by hard and blunt substance.”

Further the submission is that without accepting the



allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned counsel for the respondent no.2 on the other hand submits that allegation is there of causing injuries on the nose, but has not disputed the paragraph 17 of the petition.

In view of the specific averment of the learned counsel for the appellants that the injuries have been found to be simple in nature as also the fact that they do not have criminal antecedent, this Court is inclined to extend them relief. If however, it is found that the statement made in paragraph 17 was not correct the order shall become infructuous.

In that view of the matter the order dated 15.10.2022 passed by learned Additional District & Sessions Judge, Ist -cum-Special Judge (SC/ST), Bettiah, West Champaran is set aside. The Cr. Appeal (SJ) No.882 of 2023.

Let the appellants be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Lauriya P.S. Case No.287 of 2022 to the satisfaction of learned Additional District & Sessions Judge, Ist -cum-Special Judge (SC/ST), Bettiah, West Champaran.

(Rajiv Roy, J)

Prakash Narayan /
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