

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13421 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- RAXAUL District- East Champaran

1. Ketan Kumar @ Ketan Sah S/O Raj Kishor Sah R/O Village- Bada Pareuwa Ward No- 16, P.S- Raxaul, District- East Champaran
2. Kishan Kumar S/O Raj Kishor Sah R/O Village- Bada Pareuwa Ward No-16, P.S- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Advocate
	:	Mr. Brij Kishor Mishra, Advocate
	:	Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Raxaul P.S. Case No. 203 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 448, 504, 506 of the Indian Penal Code.

The allegation against this petitioners is to assault informant and others by means of *farsa*, sword, *lathi* etc. along



with other co-accused persons, causing bodily injuries having intention to cause their death, where occurrence arises out of land dispute.

Learned counsel appearing on behalf of the petitioners submitted that allegation as regard to assault is not available against petitioner no. 1, namely, Ketan Kumar @ Ketan Shah, whereas no specific over act is attributed to petitioner no. 2, namely, Kishan Kumar as it appears from the bare perusal of F.I.R. It is submitted that nature of injuries is simple, which is sufficient to suggest that same is not sufficient to cause death in ordinary course of nature and it appears highly improbable to cause simple injury, where assault was alleged to be caused by 14 named accused persons. While concluding the argument it is submitted that both above named petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the nature of allegation and also nature of injury, which is reported as simple, accordingly both above named petitioners, in the event of their arrest or surrender before the Court below within a period of four weeks of this order, are directed to be released on bail furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul, District- East Champaran/concerned Court, where the case is pending in connection with Raxaul P.S. Case No. 203 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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