

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19252 of 2023

Arising Out of PS. Case No.-530 Year-2022 Thana- DESARI District- Vaishali

1. Anil Rai S/O Rajendra Rai Resident Of Village-Jahangirpur Sham, P.S.-
Desari, (Chandpura O.P.) District-Vaishali
2. Chandan Kumar S/O Anil Rai Resident Of Village-Jahangirpur Sham, P.S.-
Desari, (Chandpura O.P.) District-Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Ms. Rupa Kumari, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Ms. Rupa Kumari, learned counsel for the
petitioners and learned APP for the State.

The Petitioners are apprehending their arrest in connection with Desari (Chandpur O.P) P.S. Case No.530 of 2022, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

Allegedly, on account of land dispute the petitioners and informant entered into a verbal duel and subsequently on protest by the informant, petitioner no.1 caught hold the informant and thereupon petitioner no.2 and co-accused Kundan Kumar assaulted the informant by means of butt of pistol causing head injury.

Learned counsel appearing on behalf of the petitioners



submits that from the FIR and the other records, it is evident that the informant and the petitioner no.1 are full brother and so far as petitioner no.2 is concerned, he is nephew of the informant. She further submits that on account of admitted land dispute a free fight has taken place between the families resulting into injuries from the persons of both the sides and there is a counter version of the present occurrence being Desari (Chandpur O.P) P.S. Case No.531 of 2022 registered by co-accused Chandan Yadav. She next submits that the injuries sustained over the informant are found to be simple in nature and moreover, the petitioners are persons of fair antecedent, and they are ready to give undertaking that they will not indulge in such type of offence in future and will fully cooperate in the investigation.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against petitioner no.2 that he assaulted the informant by means of butt of pistol.

Regard being had to the submissions made on behalf of the parties and considering the relationship of informant with the petitioners and the nature of injuries, apart from the fair antecedent of the petitioners, let the above named petitioners, be



released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Desari (Chandpur O.P) P.S. Case No.530 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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