

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25245 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- KALYANPUR District- East Champaran

1. BASDEO RAM @ BASUDEO RAM S/O LATE CHULAI RAM @ CHULAI RAM Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.
2. VIKASH KUMAR S/O BASUDEO RAM Resident of Village- Hanuman Nagar, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-08-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No.1.

2. Permission is granted.

3. The anticipatory bail application with respect to petitioner No.1, namely, Basdeo Ram @ Basudeo Ram is dismissed as withdrawn.

4. Petitioner No. 2 apprehends arrest in a case registered for the offences punishable under Sections 341, 324, 307, 504, 302/34 of the Indian Penal Code.

5. The informant alleged that on account of dispute pertaining to passage, all the F.I.R. named accused persons,



including this petitioner, came at her house and started abusing. On protest, this petitioner is alleged to have assaulted the nephew of the informant on his head by means of iron rod. It is further alleged that the accused persons assaulted husband of the informant with iron rod as a result of which he died on the spot.

6. It is submitted that from bare perusal of the F.I.R., it is manifest that the occurrence took place between the parties on account of land dispute and entire family of the petitioner has been implicated in this case. Injury caused by this petitioner, to the nephew of the informant, is simple in nature. Petitioner is not assailant of the deceased, he is only alleged to have caught hold of the deceased. Specific accusation of assault and causing death of the husband of the informant is against co-accused Basudeo Ram. Petitioner has got clean antecedent.

7. Learned counsel for the State vehemently opposes the prayer for bail and submits that this petitioner, along with other accused persons, assaulted the husband of the informant, causing this death.

8. Considering the facts that injury caused by this petitioner is simple in nature, claims clean antecedent and is not an assailant of the deceased, this anticipatory bail is allowed and it is ordered that let the above named petitioner No. 2, namely,



Vikash Kumar in the event of his arrest/surrender before the court below 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P. S. Case No. 128 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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