

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26418 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. CHANDA DEVI Wife of Sri Baijnath Harijan @ Baijnath Ram Resident of village Kasdewra Bangra, P.S.-Maharajganj, District Siwan
2. MITHLESH KUMAR @ MITHILESH KUMAR RAM Son of Sri Baijnath Harijan @ Baijnath Ram Resident of village Kasdewra Bangra, P.S.-Maharajganj, District Siwan
3. BAIJNATH HARIJAN @ BAIJNATH RAM Son of Late Bodha Ram Resident of village Kasdewra Bangra, P.S.-Maharajganj, District Siwan
4. CHANDRASHEKHAR KUMAR @ CHANDRASHEKHAR RAM Son of Sri Baijnath Harijan @ Baijnath Ram Resident of village Kasdewra Bangra, P.S.-Maharajganj, District Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Purushottam Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, A.P.P. Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 342, 323, 304, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, on 22.11.2022 at about 6:30 pm, petitioner No. 2 started abusing the informant and his son, upon protest, all the accused persons, including these



petitioners, started assaulting them and when brother of the informant came to the rescue, all the accused persons dragged him inside the house and assaulted him as a result of which brother of the informant sustained internal injury and on the way to the hospital, he succumbed to the injury.

4. It is submitted that on behalf of the petitioners that informant is own *pattidar* of the petitioners and due to land dispute, this false and concocted case has been lodged against them. It is further submitted that though there is allegation that all the accused persons assaulted informant and his son but no injury was found either on the body of the informant or his son. The medical board which conducted the post-mortem over the dead body of the deceased has not found any external injury. As a matter of fact, the deceased fell down and broke his rib and the informant took him for treatment. Subsequently, after his death, informant lodged F.I.R. against the petitioners and as such no offence under Section 304 of the Indian Penal Code is made. Petitioners have got clean antecedent.

5. Learned counsel for the informant vehemently opposes the bail application and submits that petitioners are named in the F.I.R. and there is specific accusation against them of causing assault to the brother of the informant resulting in his



death.

6. Considering the injury report and the post-mortem report, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their 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) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate- 1st, Siwan in connection with Maharajganj P. S. Case No. 328 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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