

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26516 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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1. RAM PRAVESH SAH SON OF JIYALAL SAH RESIDENT OF VILLAGE- AARIYA, PS- KUNDAWA CHAINPUR, DIST- EAST CHAMPARAN
 2. ACHAL SAH @ AMARJIT SAH SON OF RAM PRAVESH SAH RESIDENT OF VILLAGE- AARIYA, PS- KUNDAWA CHAINPUR, DIST- EAST CHAMPARAN
 3. NIRMAL DEVI WIFE OF RAM PRAVESH SAH RESIDENT OF VILLAGE- AARIYA, PS- KUNDAWA CHAINPUR, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kundwa Chainpur Police Station Case No. 43 of 2022, dated 09.03.2022, disclosing offences under Sections 341/323/324/379/354(B)/307/504/506/34 of the Indian Penal Code and 3/4 Witch Prohibition Act.

The prosecution case, on the basis of the First Information Report, is that the petitioners along with other accused persons administered night-soil to the informant and



petitioner no. 2 assaulted the husband of the informant on his head by means of farsa.

Learned Counsel for the petitioners submits that the petitioners along with other family members, altogether seven in numbers, have been made accused in this case on concocted story. He further submits that there is a previous enmity between the parties inasmuch as earlier the side of the petitioners had lodged First Information Report bearing Kundwa Chainpur P. S. Case No. 42 of 2022 against the husband of the informant in which the petitioner no. 1, namely, Ram Pravesh Sah had rendered help to the informant of that case. Learned counsel, referring to Annexure-2, submits that injury caused to the husband of the informant is simple in nature, which is caused by hard and blunt substance, whereas the allegation upon the petitioner no. 2 is that he assaulted the victim by means of farsa, which is a sharp cutting weapon.

Having regard to the submissions made on behalf of the parties and taking into consideration the previous enmity between the parties and injury caused to the husband of the informant is simple in nature, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari East Champaran at Motihari, in connection with Kundwa Chainpur Police Station Case No. 43 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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