

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28997 of 2023

Arising Out of PS. Case No.-556 Year-2022 Thana- KESARIA District- East Champaran

1. RANVIR KUMAR @ RANBIR KUMAR S/o- ARUN PRASAD Village- Govandri Ps- Kesariya Dist- East Champaran
2. Sandeep Prasad @ Sandeep Kumar @ Sandeep son of Arun Prasad Village- Govandri Ps- Kesariya Dist- East Champaran
3. Naresh Kumar son of Brij Kishore Prasad Village- Govandri Ps- Kesariya Dist- East Champaran
4. Rajesh Prasad @ Rajesh Kumar son of Harish Chandra Prasad Village- Govandri Ps- Kesariya Dist- East Champaran
5. Hari Kishore Prasad son of Ramsavrup Prasad Village- Govandri Ps- Kesariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Vide order dated, 08.05.2023, the bail application with regard to petitioner no.5 was withdrawn. Accordingly, it is now being heard for consideration of bail with regard to rest of the petitioners.

3. The petitioner nos.1 to 4 apprehend their arrest in a case registered for the offence punishable u/s 341, 324, 307, 379, 354(B), 504, 506, 427/34 of the IPC.



4. As per the prosecution case, allegation against the petitioner no.1 is to assault the informant by means of sword, allegation against petitioner no.2 is to assault one Bittu Kumar with khanti and thereafter, it is alleged that all the accused persons indiscriminately assaulted the informant's side.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. There is an admitted land dispute between the parties. For the alleged occurrence, parties have filed case and counter-case against each other. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for bail by submitting that the injuries inflicted to the informant by the petitioner no.1 has been found grievous in nature.

7. Having regard to the facts and circumstances of the case, since the injury of the informant is grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

8. However, petitioner no.1 is at liberty to surrender



before the learned Court below and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

9. Considering that the injury of Bittu Kumar was found simple in nature, which is attributable upon the petitioner no.2 and that there is no specific allegation against the petitioner nos.3 and 4, let the above named petitioner nos.2, 3 and 4, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kesariya P.S. Case No.556 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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