

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31115 of 2023

Arising Out of PS. Case No.-560 Year-2022 Thana- HARSIDHI District- East Champaran

1. AKHILESH KUMAR SON OF HARI SHANKAR RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI
2. HARISHANKAR RAM SON OF RAKTU RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI
3. GITA DEVI WIFE OF HARISHANKAR RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI
4. PUJA KUMARI DAUGHTER OF HARISHANKAR RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI
5. PRIYANKA KUMARI DAUGHTER OF HARISHANKAR RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI
6. ANKIT KUMAR SON OF HARISHANKAR RAM R/O-MATH LOHIYAR TALI, P.S.-HARSIDHI, DISTT.-EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 1. Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in
connection with Harsidhi P.S. Case No. 560 of 2022,
registered for the offences punishable under
Sections 147, 149, 341, 323, 324, 307, 504 of the
Indian Penal Code and Section 34 of Bihar Dain Act,



1999.

3. The allegation is that when the informant was strolling on the road on the alleged date and time of occurrence, after having his dinner, the accused persons including the petitioners had arrived there, whereafter they had abused and assaulted the informant, his brother and other family members. As far as the petitioner no. 1 is concerned, he is stated to have inflicted a spear blow on the brother of the informant namely, Saurav Raj, while the petitioner no. 2 is stated to have inflicted farsa blow on the husband of the informant, namely, Dharmendra Ram whereas the petitioner no. 3 is alleged to have inflicted a bamboo blow on one Manorma Devi.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the injuries are not serious in nature, however, the same may be verified by the



learned trial court.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that it is the categorical averment of the learned counsel for the petitioners that the injuries attributable to the petitioners sustained by the injured persons are not serious in nature, though I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to verification of the fact as to whether the injuries sustained by the injured persons are simple in nature, by the learned court of C.J.M., Motihari, East Champaran in connection with Harsidhi P.S. Case No. 560 of 2022 and further subject to such other conditions as may be deemed fit and proper to be imposed by the learned trial court for the



purposes of grant of bail.

7. It is needless to state that it would be incumbent upon the Superintendent of Police, East Champaran at Motihari to produce the case dairy and the injury report of the injured persons before the learned trial court within a period of two weeks from today, failing which the learned trial court shall be at liberty to initiate contempt proceeding for disobedience of the orders of this Court and punish him, in accordance with law.

8. The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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