

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34100 of 2023**

Arising Out of PS. Case No.-10 Year-2023 Thana- MOTIHARI TOWN District- East  
Champaran

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1. Sonu Kumar son of Ganesh Mahto Village- Thakurbadi Dih Ps- Motihari Town Dist- East Champaran
  2. Soni Kumari D/o- Ganesh Mahto Village- Thakurbadi Dih Ps- Motihari Town Dist- East Champaran
  3. Ganesh Mahto son of Late Nandlal Mahto Village- Thakurbadi Dih Ps- Motihari Town Dist- East Champaran
  4. Lalita Devi wife of Ganesh Mahto Village- Thakurbadi Dih Ps- Motihari Town Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      21-07-2023                      Heard learned counsel for the petitioners and the  
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Motihari Town PS Case No. 10 of 2023, GR Case No. 97 of 2023, registered for the offence punishable under Sections 447,341,323,504, 506, 354(b), 379 and 34 of the Indian Penal Code.

3. The petitioners are members of the same family. They are accused of having assaulted the informant while he was sitting at his 'Darwaja' after having his meal.



4. It is submitted by the petitioners' counsel that a trivial dispute over the common boundary led to scuffle, in which, both sides have sustained injuries. The counter version of the case having similar allegation against the prosecution parties is to be found in Motihari Town PS Case No. 11 of 2023. The petitioners have no antecedents and the injury report, copy of which is annexed as Annexure-2 to bail petition, will manifest that the informant has received a minor wound over his hand which is also skin deep. The petitioners and the prosecution parties are neighbours.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of injury, clean antecedent and the fact that there is counter version to the same case, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released 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 the



learned CJM, East Champaran, Motihari or successor Court in connection with Motihari Town PS Case No. 10 of 2023, GR Case No. 97 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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