

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38414 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SUGAULI District- East Champaran

1. BIRENDRA RAI @ BIRENDRA YADAV S/O BHAGWAN YADAV R/O Vill. Bhatha Kachhari Tola, PS. Sugauli, Dist. East Champaran
2. SURENDRA KUMAR YADAV @ SURENDRA YADAV S/O BHAGWAN YADAV R/O Vill. Bhatha Kachhari Tola, PS. Sugauli, Dist. East Champaran
3. RAJU KUMAR @ RAJU YADAV S/O BHAGWAN YADAV R/O Vill. Bhatha Kachhari Tola, PS. Sugauli, Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-08-2023 Heard the learned counsel for the petitioners as well as the learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 40 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 385, 504, 506 of the Indian Penal Code, 1860.

3. As per allegation, nine accused persons equipped with *Farsa*, iron rod, *Lathi* etc. came at the door of the informant and started abusing him and when he raised objection, the accused persons assaulted the informant and his family members. The specific allegation against petitioner no. 3 is that



he assaulted Bijli Yadav on his head with *Farsa*. Petitioner no. 2 assaulted Abhishek Kumar on his head with *Farsa* and petitioner no. 1 assaulted Pooja Kumari on his head with iron rod.

4. The learned counsel for the petitioners has submitted that both the parties are agnates. The petitioners are the persons of clean antecedents and the injuries attributed against these three petitioners are simple in nature.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the opinion in respect of one injury suffered by Pooja Kumari has been kept reserved, to which the learned counsel for the petitioners replied that in respect of that injury also the opinion of doctor was that it was simple in nature. He has also submitted that one injury suffered by injured Bijli Yadav is grievous in nature, to which the learned counsel for the petitioners has submitted that it was not attributed against any of the petitioners, rather it is attributed against co-accused Anita Devi.

6. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 40 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

Sudha/Mahesh-

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