

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37468 of 2023

Arising Out of PS. Case No.-537 Year-2022 Thana- HARSIDHI District- East Champaran

1. Brajesh Kumar @ Brajesh Mahto @ Brijesh Mahto Son Of Devendra Mahto @ Devnandan Mahto Vill Pakariya Ps Harsidhi Dist East Champaran
2. Rajesh Prasad Son Of Devendra Mahto @ Devnandan Mahto Vill Pakariya Ps Harsidhi Dist East Champaran
3. Akash Kumar Son Of Brajesh Prasad Vill Pakariya Ps Harsidhi Dist East Champaran
4. Vikash Kumar Son Of Brajesh Prasad Vill Pakariya Ps Harsidhi 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.Umesh Lal Verma, APP
For the Informant	:	Mr.Pravin Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners, the learned APP for the State and learned counsel for the Informant.

2. The petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 537 of 2022, registered for the offence punishable under Sections 341, 323, 326, 307/34 of the Indian Penal Code.

3. There is an allegation that the petitioners have allegedly assaulted the prosecution party indiscriminately by various means, and two of the accused persons have allegedly hit them by motorcycle.



4. The learned counsel for the petitioners submits that there is a case and counter case with reference to the occurrence which took place on that day. The prosecution case itself shows that the parties are on hostile terms over some farming rights with respect to certain lands. The petitioners have no antecedents, and there is no injury to support the prosecution case, which is obvious from the order dated 17.05.2023, whereby the petitioners prayer for anticipatory bail was rejected by learned Addl. District & Sessions Judge-XXII, East Champaran at Motihari.

5. The learned APP for the State as well as learned counsel for the Informant have opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations, there being a case and counter case over land dispute and absence of any injury report, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for 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 C.J.M., East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 537 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the 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)

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