

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40434 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- DEHRI TOWN District- Rohtas

1. Gauri Shankar Prasad Son Of Late Jagarnath Prasad resident of Village Neel Kothi Dehri P.S. Dehri District Rohtas
2. Abinash Kumar @ Abhinash Kumar @ Rimpel Son Of Gauri Shankar Prasad resident of Village Neel Kothi Dehri P.S. Dehri District Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv with Mr.Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mrs.Rita Verma, APP
For the informant	:	Mr. Babu Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-09-2023 Heard learned senior counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Dehri Nagar PS Case No. 79 of 2023, dated 29-01-2023 registered for the offence punishable under Sections 307,341,323,504,506,379 and 34 of the Indian Penal Code.

3. The informant and the petitioners are shopkeepers and it is alleged that the accused persons, including these petitioners, over business rivalry, have attacked the informant, which has resulted in sustaining of injuries, including one



grievous injury.

4. It is submitted by the petitioners' counsel that both the petitioners have allegedly assaulted causing the grievous injuries, whereas there is only one grievous injury on the head of the informant. The petitioners have no antecedents and even as per prosecution story, it is obvious that the injury has been sustained in the course of dispute arising out of business rivalry.

5. Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is submitted that the assault has left grievous injury on the informant.

6. Considering the rival submissions, the submissions regarding the injuries not corroborating the prosecution case of assault by both of these petitioners, the clean antecedent and the background in which the injury has been sustained, 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 SDJM, Dehri, Dist. Rohtas, in connection with Dehri Nagar PS Case No. 79 of 2023, dated 29-01-2023, 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)

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