

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37975 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Manish Kharwar S/O Ramu Kharwar R/O Village- Dasauti, PS. Mohania Dist. Kaimur at Bhabhua
2. Ramu Kharwar S/O Late Puna Kharwar R/O Village- Dasauti, PS. Mohania Dist. Kaimur at Bhabhua
3. Amarjit Kharwar @ Amarjeet Kharwar S/O Nagina Kharwar R/O Village- Dasauti, PS. Mohania Dist. Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Arabind Nath Pandey, learned counsel

appearing on behalf of the petitioners and the learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Mohania P.S. Case No. 714 of 2022 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 324, 307, 504, 506 of the Indian Penal Code and Section 27
of the Arms Act.

3. It is alleged that on account of a dispute with
respect to passage (*Rasta*), the persons of both the side entered
into a scuffle, which resulted into injuries to persons of both the



side. It is specifically alleged that petitioners no. 1 and 3 and co-accused Rishikant Kharwar armed with lathi assaulted Rinku Kharwar, Dharmendra Kharwar and Manjit Kharwar due to which Rinku Kharwar sustained one grievous injury over his shoulder. It is further alleged that one Sukar Kharwar has also sustained grievous injury at the hand of co-accused Phekan Kharwar. The allegation against Ramu Kharwar is that he assaulted to Jitendra Kharwar from his Baishakhi.

4. Learned counsel appearing on behalf of the petitioners submits that persons of both the side are *Pattidar* and so far the injuries are concerned, all are caused by hard and blunt substance, that apart it is not specifically mentioned that who caused the grievous injury to *Rinku Kharwar*. He next submits that there is a counter version of the present occurrence, being Mohania P.S. Case No. 715 of 2022, by the person of the petitioners' side. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will not repeat any such kind of occurrence in future.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the injuries are



caused by hard and blunt substance and there is no specific allegation that the assault made by the petitioners have caused any grievous injury, coupled with their fair antecedent and the case and counter case, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur at Bhabua in connection with Mohania P.S. Case No. 714 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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