

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43269 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- CHOUTARWA District- West Champaran

1. Rajendra Prasad Sah @ Rajendra Sah @ Rajendra Prasad Son of Sri Daroga Sah, Resident of Village- Englishia, PS- Chautarwa, District- West Champaran.
2. Arvind Sah Son of Sri Shankar Sah, Resident of Village- Englishia, PS- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chautarwa P.S. Case No. 49 of 2023 dated 18.02.2023, registered for the offences punishable under Sections 341, 323, 307, 354-B, 379, 504 and 506/34 of the Indian Penal Code, pending in the learned Court below.

3. As per the prosecution story, six named accused persons including the petitioners came to the house of informant and started hurling abuses. They also questioned as to why the informant was a standing witness in the case of Sanjeev Nayan and his wife Geeta Devi. It is alleged that on the instigation of

Arvind Sah, Rajendra Prasad Sah gave *iron rod* blow on the head of informant, causing injury. It is further alleged that Arvind Sah assaulted the brother of the informant with *khanti* and other co-accused persons misbehaved with the wife of the informant. They also snatched Rs. 11,000/- (Rupees Eleven Thousand) from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and they have no criminal antecedent. As per the FIR, the allegation against the petitioner no. 1 who assaulted the informant by *iron rod* and injury was found to be simple in nature and allegation against petitioner no. 2 is that he assaulted the brother of the informant by *khanti* and injury was also found to be simple in nature. It is clear from the Impugned Order itself that there is case and counter-case between the parties.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances and also the fact that the nature of injuries are simple and there is case and counter case between the parties, I am inclined to grant anticipatory bail to the petitioners. Accordingly, let the petitioners, named above, in the event of

their arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor Court, in connection with **Chautarwa P.S. Case No. 49 of 2023**, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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