

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42249 of 2023

Arising Out of PS. Case No.-473 Year-2020 Thana- SAHARSA SADAR District- Saharsa

1. Gitanjay Prasad @ Pappu, Son of Shree Raj Kumar Sharma, Resident of Village- Gandhipath, Kahra, Ward No. 8, PS- Saharsa Sadar, Distt- Saharsa
2. Mritunjay Prasad @ Banti, Son of Shree Raj Kumar Sharma, Resident of Village- Gandhipath, Kahra, Ward No. 8, PS- Saharsa Sadar, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2023 Heard Mr. Prakash Chandra Jha, 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 Saharsa Sadar P.S. Case No. 473 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. Allegedly on account of a trifle, all the F.I.R. named accused persons by forming an unlawful assembly started abusing the informant. On protest being made, the petitioner no.1 assaulted the informant by means of knife over his head, due to which he sustained head injury. Further, the petitioner



no.2 assaulted him by kick and fist. Further allegation has been levelled against other accused persons.

4. Learned counsel appearing on behalf of the petitioners submits that the present case is nothing, but a counter blast of Saharsa Sadar P.S. Case No. 472 of 2020 wherein the petitioner no.2 sustained grievous injuries. He has further drawn the attention of this Court to the injury report, as contained in Annexure-3, and with reference thereto he submits that the injury appears to be lacerated, caused by hard and blunt substance and simple in nature and, as such, the allegation of inflicting knife blow falls to the ground. Furthermore, the allegation levelled in the F.I.R. has also been found partially false, as the other co-accused persons have not even been sent up for trial. In support of the same, he has annexed Annexure-4 to the application.

5. On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against both the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the fact that injury report suggests simple in nature, caused by hard and blunt substance, 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 473 of 2020, 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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