

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42262 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- KALYANPUR District- East Champaran

1. Chhotan Rai, Son of Baiju Rai, Resident of Village- Kalyanpur Tola Alaula, P.S.- Kalyanpur, Dist- East Champran
2. Binda Rai, Son of Late Ram Swaroop Rai, Resident of Village- Kalyanpur Tola Alaula, PS- Kalyanpur, Dist- East Champran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2023 Heard Mr. Vikash Kumar 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 Kalyanpur P.S. Case No. 349 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly on account of long standing land dispute, all the F.I.R. named accused persons, including the petitioners, by forming an unlawful assembly came to the house of the informant and started abusing and assaulting him by means of lathi. On hulla being raised, the son of the informant came to his



rescue, whereupon the petitioner no.2 Binda Rai assaulted his son by means of *Farsa*, due to which he sustained serious head injury. It is further alleged that petitioner no.1 Chhotan Rai also assaulted the informant's nephew by means of *Farsa*, due to which he also sustained injury.

4. Learned counsel appearing on behalf of the petitioners submits that there is a counter version of the present case, being Kalyanpur P.S. Case No. 350 of 2022, registered by the member of the petitioners' side. He next submitted that admittedly on account of a long standing enmity, due to land dispute, both the sides entered into free fight, which resulted into the injuries to the persons of both the sides. That apart, the injuries, which have allegedly sustained to the informant's son and nephew, have been found to be simple in nature. In support of the aforesaid averment, the injury reports have been brought on record vide Annexures-2 and 2/1. He next submits that the injury sustained to the son of the informant is found to be caused by hard and blunt substance and so far one of the injury sustained to the nephew of the informant is concerned, the same is found to be inflicted by sharp cutting weapon. He also submits that the petitioners are having fair antecedent and undertake that they will not repeat such type of crime in future



and will fully cooperate in the investigation/trial.

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 nature of injuries and the case and counter case, coupled with the fair antecedent of the petitioners, 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, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 349 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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