

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47428 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- KESARIA District- East Champaran

1. RAKESH PRASAD @ RAKESH PRASAD KUSHWAHA S/O RAM DAT PRASAD R/O Village- Lohargawa, P.S- Kesariya, Distt.- East Champaran, Motihari.
2. Manoj Prasad S/O Ram Dat Prasad R/O Village- Lohargawa, P.S- Kesariya, Distt.- East Champaran, Motihari.
3. Tej Narayan Prasad S/O Ram Dat Prasad R/O Village- Lohargawa, P.S- Kesariya, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 341, 323, 324, 308, 354(B), 379, 504, 506/34 of the Indian Penal Code.

3. As per F.I.R., on the alleged date and time of the occurrence, while the informant was sitting on his door, all the accused persons including these petitioners, variously armed, came at the house of the informant and started abusing and assaulting her. It is further alleged that when children of the informant came to rescue her, they were also assaulted by the



accused persons with *lathi, farsa*, etc.

4. Learned counsel for the petitioners submits that due to land dispute, a free fight took place between the parties in which both sides sustained injuries. F.I.R. was lodged after inordinate delay of two days without any plausible explanation. Case and counter case. It is further submitted while most of the injuries are simple in nature, doctor has reserved his opinion regarding rest of the injuries. Petitioners have got clean antecedent.

5. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Kesariya P. S. Case No. 197 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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