

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46046 of 2022

Arising Out of PS. Case No.-253 Year-2020 Thana- KALYANPUR District- East Champaran

1. DHARMENDRA DAS Son of Hari Kishun Das.
 2. CHANDAN DAS Son of Dharmendra Das.
 3. SHUSHILA DEVI W/o Dharmendra Das.
- All are resident of Village - Khatolwa, P.s.- Kalyanpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No.253 of 2020 instituted under Sections 342, 323, 324, 307, 354(B), 506, 34 of the Indian Penal Code.

As per the prosecution story, the informant Meena Devi has alleged that the accused persons armed variously first attacked her brother-in-law and thereafter not only attacked the informant but also tried to outrage her modesty. Meanwhile, the other accused persons attacked her husband, son and others. As the villagers assembled and rescued them, they were taken to Sadar Hospital for treatment.



Learned counsel for the petitioners submit that due to land dispute, there has been quarrel between the parties which led to case and counter case in the matter. It is his further submission that though number of persons have been injured in the process, as per the order sheet of the learned Sessions Judge, all the injuries are simple in nature. It is his last submission that irrespective of the outcome of the petition the petitioners are ready to pay Rs.10,000/- each to the five injured persons totalling Rs.50,000/-.

Learned APP on the other hand opposes the prayer for anticipatory bail, although he concedes that as per the order sheet of the learned Sessions Judge, the injuries have been found to be simple in nature.

Taking into account the fact that there is case and counter case, the injuries have been found to be simple in nature, the petitioners do not have any criminal antecedent, this Court is inclined to grant him relief, subject to payment of Rs.10,000/- each to the five injured persons totaling Rs.50,000/- to be deposited before the Nazarat of the Sub-ordinate court through Bank Draft issued by the State Bank of India, local Branch. The amount so deposited in the Nazarat shall be released in favour of the injured persons after checking their



respective credentials.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kalyanpur P.S. Case No.253 of 2020 to the satisfaction of learned A.C.J.M., IXth, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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