

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47105 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- CHAKAI District- Jamui

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1. RAM DAS Son of Late Tejo Das Resident of village - Nodhiya, P.S. - Chakai, Distt. - Jamui
 2. JITAN DAS Son of Late Jarim Das Resident of village - Nodhiya, P.S. - Chakai, Distt. - Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-10-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Chakai PS Case No. 85 of 2023 dated 09.03.2023 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 337, 504 of the IPC.

3. As per the First Information Report during the Holi festival, the accused persons along with the petitioners assaulted the informant, his family members and when Nago Das tried to intervene, the petitioners assaulted him by means of *lathi* and iron rod on his right hand and left leg due to which Nago Das sustained injury in his right hand.

4. Learned counsel for the petitioners submits that



both the parties are agnates and next door neighbours and there is previous dispute between them. He further submits that there is general and omnibus allegation against the petitioners that they assaulted Nago Das by means of *lathi* and iron rod. He further submits that as per the First Information Report right hand of Nago Das was broken and the doctor has opined the injury as grievous in nature. He thus submits that taking into consideration the nature of injury on the non vital part of the body, offence under Section 307 I.P.C. is not made out and at best offence under Section 325 I.P.C. is made out against the petitioners, which is bailable in nature.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that both the parties are next door neighbours and agnates, injury caused to the victim is on the non vital part of the body and petitioners are having no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



Smt. Neha Tripathy, J.M. 1st Class, Jamui / concerned court in connection with Chakai P.S. Case No. 85 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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