

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53608 of 2023**

Arising Out of PS. Case No.-536 Year-2022 Thana- HARSIDHI District- East Champaran

1. KANAHIYA PRASAD SON OF BISHUN MAHTO RERESIDENT OF VILLAGE- PAKADIYA, HARSIDHI, WARD NO 14, PO- HARSIDHI, PS- HARSIDHI, DISTT- EAST CHAMPARAN
2. NIRAJ KUMAR SON OF KANHAIYA PRASAD RERESIDENT OF VILLAGE- PAKADIYA, HARSIDHI, WARD NO 14, PO- HARSIDHI, PS- HARSIDHI, DISTT- EAST CHAMPARAN
3. BIHSUN MAHTO SON OF MUNESHWAR MAHTO RERESIDENT OF VILLAGE- PAKADIYA, HARSIDHI, WARD NO 14, PO- HARSIDHI, PS- HARSIDHI, DISTT- EAST CHAMPARAN
4. PRABHAWATI DEVI @ PARVATI DEVI WIFE OF KANHAIYA PRASAD RERESIDENT OF VILLAGE- PAKADIYA, HARSIDHI, WARD NO 14, PO- HARSIDHI, PS- HARSIDHI, DISTT- EAST CHAMPARAN
5. MANISHA KUMARI DAUGHTER OF KANHAIYA PRASAD RERESIDENT OF VILLAGE- PAKADIYA, HARSIDHI, WARD NO 14, PO- HARSIDHI, PS- HARSIDHI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      28-08-2023                      At the outset of argument learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner No.1, KANAHIYA PRASAD and petitioner No.2, NIRAJ KUMAR.

2. Prayer is allowed.

3. This anticipatory bail petition is dismissed as withdrawn against petitioner No.1 and 2.



4. Heard learned counsel for the petitioners No. 3 to 5 and the State.

5. Petitioners apprehend their arrest in a case registered for the offence punishable under Section 307, 326, 354-B, 379 and some other ancillary Sections of the Indian Penal Code.

6. As per the prosecution case, on 28/10/2022 at about 7 AM while the informant and her son were sowing potatoes, in the meantime, all the FIR named accused persons, including these petitioners, armed with deadly weapon, came and started abusing her and also assaulted her with fists and slaps. It is further alleged that co-accused, Akshay Kumar, Niraj Kumar and Kanhaiya Prasad assaulted the husband of informant with iron rod and Lathi

7. Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that so far these petitioners are concerned there is no specific allegation of assault. It is next submitted that on account of land dispute casual Mar-pit took place. There is case and counter case. Petitioners have got clean antecedent.

8. Learned counsel appearing for the State opposes



the prayer for anticipatory bail.

9. Considering the facts of the case and nature of accusation against the petitioners, let the petitioners No. 3 to 5, above named, in the event of their arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1<sup>st</sup> class, East Champaran, Motihari in connection with Harsidhi PS case No. 536/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

**(Prabhat Kumar Singh, J)**

BKS/-

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