

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59719 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. SHIVSHANKAR PANDIT Son of Late Shivnarayan Pandit Resident of Village- Karotwa, P.S.- Kusheshwar Asthan, District- Darbhanga
 2. MAHESH KUMAR PANDIT @ MAHESH PANDIT Son of Bhuwan Pandit @ Bubneshwar Pandit Resident of Village- Karotwa, P.S.- Kusheshwar Asthan, District- Darbhanga
 3. HIRA PANDIT @ HIRALAL PANDIT Son of Late Sato Pandit @ Satyanarayan Pandit Resident of Village- Karotwa, P.S.- Kusheshwar Asthan, District- Darbhanga
 4. BALKRISHNA PANDIT @ BALGOVIND PANDIT Son of Hiralal Pandit Resident of Village- Karotwa, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar
For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325, 308, 504, 506 and 34 of the Indian Penal Code.

As per the FIR, petitioner no.1 has given the order to assault the victim, petitioner no.2 has assaulted the Tara Devi by means of Iron Rod but the injury was simple in nature, petitioner no.3 hit the informant by means of iron rod and injury



found upon the informant is simple in nature and petitioner no.4 has hit Arun Mukhiya with iron shape edge dabiya on his head and injury found upon victim is grievous in nature.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is case and counter-case between the parties and both sides have sustained injuries which is simple in nature. He further submits that petitioner no.4 have one criminal antecedent and petitioner no.1, 2 & 3 have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is specific overt act against the petitioner no.4 and the injuries found upon the victim are grievous in nature, I am not inclined to enlarge the petitioner on bail in connection with Kusheshwar Asthan P.S. Case No.231/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

So far as petitioner no.1, 2 & 3 is concerned, the injuries found upon the victims are simple in nature, let the above named petitioner no.1, 2 & 3 in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kusheshwar Asthan P.S. Case No. 231/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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