

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64065 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- ARWAL District- Jehanabad

1. Raju Kumar.
 2. Kush Kumar Soni
 3. Lav Kumar Soni
 4. Dharamraj Soni @ Butta.
- All are S/O Late Krishna Prasad S/O Late Krishna Prasad, all are resident of Keshopur, P.S- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Sharma, Advocate
		Mrs. Kiran Kumari Sharma, Advocate
		Mr. Vikash Kumar, Advocate
For the Opposite Party/s :		Mr.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Arwal P.S. Case No.244 of 2022 instituted under Sections 341, 323, 324, 307, 379, 504, 506/34 of the IPC lodged on 01.06.2022. by the informant, Uma Shankar Kumar.

As per the prosecution story, the informant alleged that the accused persons armed variously came and after abusing started assaulting with iron rod causing injury to Raju Kumar as also Amarjeet Kumar and Indrajeet Kumar. Further allegation is of taking away gold neckless and Rs.10,000/-.



Accordingly, the FIR.

Learned counsel for the petitioners submit that it was a common fight between the parties that led to case and counter case. While the informant's side lodged Arwal P.S. Case No.244 of 2022, the accused persons also lodged Arwal P.S. Case No.245 of 2022. Further submission is that although allegation of assault is there, no injury report is on record nor it has been incorporated in the learned Sessions' Judge order that whether the injuries were found to be simple or grievous.

Learned counsel for the petitioners make a categorical statement that none of the informant's side has suffered any grievous injury and it is his further submission that they being agnates, irrespective of the outcome of the present petition the petitioner would like to contribute Rs.20,000/- towards medical assistance irrespective of the outcome of the present case.

Learned APP opposes the prayer but concedes that there is case and counter case and from the record it is not clear whether the injuries were found to be simple or grievous.

Considering the fact that as per paragraph-3 none of the petitioners have criminal antecedent, its matter of case and counter case, as per the submission put forward by the learned counsel for the petitioners injuries have not been found to be



grievous in nature, this Court is inclined to extend them privilege of anticipatory bail, subject to payment as stated above.

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 Arwal P.S. Case No.244 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Arwal, 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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