

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71677 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- KATIHAR NAGAR District- Katihar

1. VIJAY KUMAR MAHASETH @ VIJAY KUMAR S/O SHIV NARAYAN MAHASETH @ SHIV NARAYAN MAHASETH R/O VILLAGE- GAMI TOLA, P.S- NAGAR, DISTT.- KATIHAR.
2. ARCHANA DEVI W/O VIJAY KUMAR MAHASETH @ VIJAY KUMAR R/O VILLAGE- GAMI TOLA, P.S- NAGAR, DISTT.- KATIHAR.
3. ABHISHEK KUMAR MAHASETH @ ABHISHEK KUMAR S/O VIJAY KUMAR MAHASETH @ VIJAY KUMAR R/O VILLAGE- GAMI TOLA, P.S- NAGAR, DISTT.- KATIHAR.
4. JYOTI KUMARI @ JYOTIKA KUMARI @ KHUSHI KUMARI D/O VIJAY KUMAR MAHASETH @ VIJAY KUMAR R/O VILLAGE- GAMI TOLA, P.S- NAGAR, DISTT.- KATIHAR.
5. RAJ KUMAR CHAUDHARY S/O RAMJI CHAUDHARY R/O VILLAGE- HASDA GULAB, P.S- KHUSKI BAG, DISTT.- PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioners and Mr. Rajendra Prasad Nat, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Katihar Nagar P.S. Case No. 30 of 2022 registered for the offence punishable under Sections 147, 149, 448, 341, 323, 307, 354(a), 379, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., 8 accused



persons armed with deadly weapons with a common intention to kill the informant and her family members started assaulting them including the informant who is a lady. Specific allegation is against petitioner no.1 Vijay Kumar Mahaseth that he had assaulted on the vital body part of the son of the informant, namely, Amrit Mahaseth who sustained grievous injury.

4. Learned counsel appearing on behalf of the petitioners submits that there is enmity between the parties that has led to fierce fight between the parties. There is land dispute between the parties. However, learned counsel admits that no description of land or any title suit filed in this regard has been mentioned in the bail application. Learned counsel further submits that the allegation against petitioner no.1 is that he had assaulted the son of the informant on his nose which is not a vital body part, however, the allegation against petitioner nos. 2, 3, 4 and 5 is general and omnibus in nature. Learned counsel further submits that he has been instructed by the pairvikar that petitioner no.1 is willing to compensate the injured person and he will also bear the cost incurred on the treatment of the son of the informant on mutual agreed terms. He further submits that now the petitioner no.1 has realized that whatever expenses have been incurred, he is liable to make payment of the amount



of compensation amicably settled between the parties for the loss and agony which the informant has undergone. On these grounds, learned counsel submits that petitioner no.1 too deserves to be released on bail.

5. Mr. Rajnikant Singh, learned counsel appearing on behalf of the informant submits that the injury sustained by the son of the informant has been corroborated by the injury report which reveals that the son of the informant had sustained grievous injury on the vital part of the body and as such the petitioner no.1 don't deserve to be released on bail.

6. Learned APP for the State has supported the submission made on behalf of the informant.

7. Considering the nature of allegation made against petitioner nos. 2 to 5 which appears to be general and omnibus, specific allegation of assault is against petitioner no.1 that he had caused grievous injury on the nose of the son of the informant, this Court will not go into the information given on behalf of the petitioner no.1 that he is ready to compensate the informant on agreed terms and will also make payment of all the expenses which have been incurred in the treatment of the son of the informant, however, I am of the opinion that in case the petitioner files his personal affidavit before the court below



along with two responsible persons of the same village who undertakes that the petitioner no.1 will not involve in any crime or will indulge in criminal act by threatening or causing any physical assault on any of the family members of the informant's side, in that case, the petitioner no.1 is directed to be released on provisional bail on such terms and conditions as the court below deems it fit and proper as well as the conditions contained in Section 438(2) Cr.P.C. The District Court is further directed to observe the conduct of the petitioner no.1 and after obtaining report from the Superintendent of Police after a lapse of one year, in case no complaint or any criminal case is lodged against the petitioner no.1 during the aforesaid period, the provisional bail granted to the petitioner no.1 shall be made absolute on such terms and conditions as the court below deems fit and proper.

8. The conditions as has been imposed in the present order is only for the release of petitioner no.1 on anticipatory bail.

9. So far as petitioner nos. 2 to 5 are concerned, there is general and omnibus allegation them, they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Katihar Nagar P.S. Case No. 30 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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