

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74271 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- SRINAGAR District- West Champaran

1. BRIJESH MUKHIYA SON OF LALAN MUKHIYA RESIDENT OF VILLAGE - PUJAHA PATJIRWA, POLICE STATION - SRINAGAR, DISTRICT - WEST CHAMPARAN
2. BRIJKISHOR MUKHIYA SON OF LALAN MUKHIYA RESIDENT OF VILLAGE - PUJAHA PATJIRWA, POLICE STATION - SRINAGAR, DISTRICT - WEST CHAMPARAN
3. CHANDAN MUKHIYA SON OF RAMBHAROSH MUKHIYA RESIDENT OF VILLAGE - PUJAHA PATJIRWA, POLICE STATION - SRINAGAR, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Srinagar Police Station Case No. 70 of 2023, dated 07.06.2023, disclosing offences punishable under Sections 147/148/149/341/323/324/325/307/504 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that the petitioner no. 1 assaulted the informant by means of lathi on his left hand, petitioner no. 2 assaulted



him by means of rod on his head and there is no specific allegation of assault against the petitioner no. 3.

4. Learned Counsel for the petitioners submits that both the parties are next door neighbours and there is case and counter case between them inasmuch as Srinagar Police Station Case No. 71 of 2023 has been lodged by one of the co-accused, namely, Lalan Mukhiya against the informant and his family members. He further submits that the injuries sustained by the side of the informant is at Annexures P/2, P/3 and P/5. Referring to Annexure P/5, which is the injury report of the informant, learned Counsel submits that the injury no. 1, upon the head of the informant, has been found to be simple in nature and injury no. 2 has been opined as grievous in nature, inflicted upon right elbow of the informant, which is non-vital part of the body. There is previous land dispute between the parties.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is case and counter case between the parties, there is land dispute between them and the injury caused to the informant as grievous is upon non-vital part of the body,



i.e. right elbow, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Srinagar Police Station Case No. 70 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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